

The Bismarck Tribune.

BY M. H. JEWELL.

WHAT IS SETTLEMENT?

The following statement regarding an important land decision is handed in by Register Rea:

Under the settlement laws this is always an interesting question. A recent decision by the secretary of the interior arouses fresh interest and sufficient apology for this article. The decision at hand is momentous to excursionists. The decisions followed heretofore have held that settlement dated from the moment the claimant enters in person upon the land with the intention of becoming a settler and does some act in execution of that intention; "the question is one of intent, and the intent should be shown;" "cutting down trees is an act of settlement;" "a small wagon load of stones placed upon the land is an act of settlement;" "turning over a few spadeful of dirt is a satisfactory act of settlement." In the case of Howden vs. Piper, Oct. 27, 1884, the decision above referred to, the honorable secretary says: "Pre-emption is based on acts of settlement. These consist of some substantial and visible improvement of the land having the character of permanency with intent to appropriate it under the law." Both parties acted in good faith. Howden was the prior settler (excursionist), going on the land in February and picking up on the ground 6x8 feet to the depth of one inch and calling it the commencement of a cellar. He erected two eight foot boards at a different place to attract attention to his settlement. Then he returned to Iowa for his outfit and got back on the land May 1st. Thereafter his acts were substantial and evidence of intention. March 30th Piper went on the land and in good faith took possession and was living on land when Howden returned. Secretary concludes: "I regard Howden as an excursionist merely and not a settler, Feb. 11, 1882, and Piper as the prior settler."

By the vote in Dakota for delegate to congress, it is clearly demonstrated that the territory has a population of at least 450,000, and would therefore, if a state, under the present apportionment of 154,323, be entitled to two senators and three members of the lower house and five members of the electoral college. Dakota's majority for Judge Gifford, republican candidate for delegate to congress, is about 56,000. The majority for Blaine over all other candidates had Dakota been allowed to vote, would have been about 50,000, or greater than any other state in the Union. Pennsylvania gave a plurality for Blaine of 80,321, but a majority over Cleveland, St. John and Butler combined, of only 48,223. Dakota would have been the banner republican state of the Union. Misuse at the hands of a democratic majority in congress is one of the reasons of Dakota's republicanism. Dakota was entitled to statehood long ago and would today have two senators and three representatives at Washington but for democratic misrule. Dakota cast more votes at the recent election than either Colorado, Delaware, Florida, Nevada, Oregon, Rhode Island, New Hampshire or Vermont; more than Oregon and Rhode Island combined, or more than the three states of Delaware, Nevada and Rhode Island. These last three states combined only cast 73,434 votes at the recent election, or 10,000 less than Dakota, yet these same states have six senators and four representatives. What has Dakota? A single delegate who has not even a vote in the national congress. It does seem as if the democrats would take interest enough in the demands of half a million of people to partially right their wrongs.

The following appears in the Valley City Times:

Dakota's capital fight has been transferred to Washington. The question whether the government shall pay rent for buildings in Bismarck or Yankton has come before First Comptroller Lawrence, and it turns on the legality of the transfer, from Yankton to Bismarck. The matter has been voluminously argued before the comptroller, and he has prepared a decision which will be made public in a few days.

This matter has been pending some time, and probably Secretary Teller is as anxious to get the opinion as anyone else. The question of where the disbursements of the territory should be made was referred to Comptroller Lawrence last summer, when the capital fight waxed warm and the opposition to Bismarck resorted to every means possible to defeat the transfer of the territorial offices to this point. After the decision of the territorial supreme court it is difficult to see just what the decision of the comptroller will amount to any how, but then it has served as an excuse for the territorial secretary. It is likely that the report will be made public in a few days and that it will be in favor of Bismarck. Mr. Teller has made a vigorous fight against the removal of his records, but he will doubtless be glad if the report is in favor of Bismarck for the reason that his friends in South Dakota will more readily see the importance of his compliance with the proclamation of Gov. Pierce.

A CORRESPONDENT of the Douglas County Chronicle writes from Yankton as follows: "Yankton has lost the capital and hotel keepers are dubious. The army of lawyers located here are in mortal fear lest the United States courts be removed this winter to some other town. It would be a hard blow for them. Secretary Teller and Treasurer McVay are about to move the records of their office to the capitol, at Bismarck, in response to Gov. Pierce's notice. The Yankton postoffice in its present quarters is probably the

largest and best equipped office in the territory. Bud Taylor, the democratic editor of the Herald, is chuckling at the prospect of soon stepping into the shoes of the present P. M., Bowen of the Press, on or about next season."

THE Chicago Tribune says Blaine's popular majority in the United States over Cleveland democrats and mugwumps is about 40,000. Had Dakota been admitted into the union last winter this would have been doubled, as the republican majority in Dakota exceeds 40,000; but she was excluded for the express purpose of preventing her casting her vote for the republican presidential candidates, while Louisiana, Mississippi, and South Carolina—reliable republican states at a fair election—were captured by force and fraud, and that is the way Cleveland was "elected."

THE Minneapolis Journal has had an interview with Colonel Donan on the subject of admission of Dakota. The colonel does not believe that any new territories will be admitted to the Union until after the next presidential election; and as for division, Dakota might as well give up all idea of it. The democrats are not going to pave the way for the election of four new republican senators. The Journal looks upon the colonel as representing Dakota. It is generally understood in these parts that Colonel Donan represents Colonel Donan.

THE Jamestown Alert suggests the name of Johnson Nickens for president of the council. Mr. Nickens is well up in parliamentary tactics and would make a good officer, but somehow South Dakota looks upon this position as her property. John Gamble of Yankton has been mentioned and is said to be well qualified for the position. Hon. Frank Pettigrew is also well acquainted with the duties of the office, but says he doesn't want it.

A YANKTON correspondent of the Sioux City Journal suggests that North Dakota be called "Wheatland." He thinks this would satisfy those who dislike to lose the name Dakota, made famous throughout the world because of the wheat production. Would it not be better to call South Dakota Cornland or Flaxland and allow the northern half the name of Dakota pure and simple?

ACCORDING to the North Dakota Democrat, Messrs. Baile & Neilson, of Valley City, have received a telegram from United States Commissioner Alex. McKenzie, now in New Orleans asking for fifty bushels of the Manitoba Red Scotch Fife wheat to add to the Dakota display of cereals at the World's Fair.

THE Yankton Herald says that there are but 171 democrats in Burleigh county and that any person who voted for Judge Gifford is not nor never can be looked upon as a democrat, or expect to get any of the spoils under a democratic administration.

THE Valley City Times says: "We would greatly delight in honoring Judge Nickens with the presidency of the council, but do not think it would be acceptable to the gentleman's tastes or wishes."

HON. JOHNSON NICKENS, of Jamestown, tells the Fargo Argus that he is not a candidate for the presidency of the council, and says he thinks likely the position will go to a South Dakota man. But, then, Mr. Nickens is modest.

THE Black Hills papers have got into a dispute over their circulation. Each wants the other to "put up or shut up," but so far there is no "put up" or "shut up." Stubborn lot of fellows, those Black Hills editors.

ACCORDING to the Helena Herald, the vote in Montana will not vary twenty-five either way from 27,000. The Herald says it is absolutely safe to say that the territory has a population of 120,000.

THE board of education in Mandan have passed resolutions prohibiting the attendance at school of children under six years of age. Children under that age ought to be taught at home.

LEADVILLE is the elysium of this country. There is not a single cat in the place, and what is better, the felines can not live there because of the rarified atmosphere.

THE stage time between Medora and Deadwood is to be reduced from thirty-two to thirty hours. This is the shortest and most pleasant route to the Black Hills.

THE number of cases of cholera in Italy, reported up to October 20th, is given at 21,519, of which 11,563 terminated fatally.

NO MORE silver dollars are to be issued. The "dollar of daddies" is not as popular now as it was six years ago.

THE official vote of Mercer county shows 162 for Judge Gifford and one for Raymond.

SENATOR HARRISON, the champion of the division and admission bill in congress, has given notice that he will call the bill up for consideration Tuesday.

A special to the St. Paul Globe speaks of the prospects of this bill as follows: "Probably the republicans will get the bill through the senate this session, but in the eagerness of congress to get action on matters of concern to them and their constituents, and in view of the large democratic majority in the house, it is safe to say that Dakota will have to wait at least another year. An extra republican congressman would not amount to much, but the admission of Dakota would add two senators to the republican side, and the democrats are more anxious than ever to capture the senate, now that they will have the white house and the house of representatives."

THE Dakota exhibit at New Orleans is placed between Kansas and Nebraska, both of which are reported as having excellent displays and the advantage of two or three times the amount of money Commissioner McKenzie with which to make an exhibit. Notwithstanding all this, it is believed that the natural genius of Mr. McKenzie will stimulate him in making the most creditable display of all. It is to be regretted that the Black Hills region will not be better represented, but it is their own fault. An assistant commissioner was appointed for that region, but he failed to get assistance in his own county, therefore the people of the Hills have only themselves to blame.

THE Galveston, Texas, News, of Dec. 1st, issues a mammoth twelve-page paper with the first page completely covered with a map of the great west, with numerous lines from Galveston, the southern gulf port, to all prominent points in the west. The idea is to show how much nearer these points are to the great seaport "to be," than to New York, the great seaport "that is." The paper also contains exhaustive and interesting histories of the various western states and territories, with statistics of their growth and general development. Dakota receives a splendid review.

THE charge of Judge Francis to the jury in the Magill case, published in full elsewhere, is an exceptionally able, fair and comprehensive document. It will hardly be possible for either the defense or the prosecution to find a point to which they may take exception. The case throughout has been cleverly handled, and the jury composed of exceptionally good men, upon whose judgment the life of the defendant now depends, must have a clear idea of the testimony and the law governing the consideration of it and their verdict will be taken as right and just.

ALEX. MCKENZIE writes from New Orleans that the people down there are divided into three classes, viz: One-third colored, all shades; one-third French and one-third whites—good fellows. It seems that Farmer Wallace is also pleased with the people in the south and thinks the "bloody shirt" racket ought to cease.

FASTIDIOUS Chicagoans are clamoring for stoves in street cars. They ought to come to Dakota, where even at this time of the year stoves are little used except for cooking purposes.

UNDER a democratic administration Fort Benton hopes to receive a land office. Joe Todd ought to be appointed as register or receiver.

ACCORDING to the Buffalo Express, Secretary Teller has the inside track in the senatorial race in Colorado.

THE LAND LAWS.

How to get Government Land in Bismarck District.

THE HOMESTEAD LAW gives the head of a family, male or female, the right to enter a quarter section, 160 acres, of vacant land if he or she is a native born citizen of the United States, or if foreign born has taken out "first papers." A single man (or single woman) over 21 years of age is given the same chance. Within six months from date of entry the party must build a house on the land taken and begin living in it. If he lives on and farms it for five years title is acquired by proving those facts and paying the land office fees four or eight dollars—the latter the highest figure. If at any time before the five years run the homesteader wants to pay for his land, he can do so. The price per acre is \$1.25 and \$2.50. The cheaper price rules on lands forty miles from the Northern Pacific Railroad, and the higher, \$2.50, within that distance.

An ex-soldier, who served in the rebellion more than thirty days, gets the time he served (or if discharged on account of disability or the close of the war the whole time for which he enlisted) deducted from the five years. His army service, to the extent of four years, counts as so much residence. The original fees at the land office are \$14 and \$18—the former for \$1.25 land and the latter for \$2.50 land.

THE PRE-EMPTION LAW Requires some act of improvement by the applicant himself, and a filing costing two dollars as the first steps. Then actual residence, cultivation of the soil and payment at \$1.25, or \$2.50 per acre, according to location. This payment is not required before two years and nine months. Any time, however, after six months residence and cultivation the payment can be made and title had.

THE TIMBER CULTURE ACT, Under this law a quarter section, 160 acres, is allowed the qualified man or woman, resident on or near the land, who pays \$14 fees and there-after breaks or plows five acres the first year, cultivates it the second year and plants to forest trees, cuttings or seeds the third year; and beginning the second year breaks another five acres and cultivates and plants the third and fourth years. When he gets his ten acres the lawful area planted, he keeps the trees cultivated and in good growing condition for four years more, or eight years from date of his entry. If at that time he can show 6,750 healthy trees he will be granted title upon paying \$8 land office fees. JOHN A. REA, U. S. Land Office, Bismarck, D. T. Register.

NEWS COMMENTS.

BARNUM'S \$11,000 giraffe is dead.

It is said that republicans are scarce at Washington now.

OUT of 29,000,000 inhabitants only 1,000,000 subscribe to newspapers.

MAJOR GENERAL HANCOCK will retire from the army in February, 1885.

BUCHANAN, in Emmons county, is one of the new postoffices established Friday.

CONGRESSMAN-ELECT McCREERY, of Kentucky, is building a \$100,000 house in Washington.

An eastern paper says that the worst feature now is that hundreds of gorgeous liars are out of work.

FRANCE has made provision for means with which to war with China unless China makes overtures for peace which is likely.

It is cruelly said that the sponge cake presented Grover Cleveland by a Vassar girl is being used as a paper weight.

THE city of London contains more Jews than does Jerusalem, more Irish than Dublin and more Roman Catholics than Rome.

A MEETING of the colored people at Petersburg, Va., has been called to consider the advisability of an exodus to California and other parts of the west.

JULES LEVY, the celebrated cornet virtuoso, was married last week to Miss Stella Costa, the celebrated Belgian soprano, and member of his concert company.

It is to be hoped the recommendation of the president that the postage on drop letters be reduced to one cent will become a law before the close of the present session.

TWO Dakota journalists, Boyce of the Lisbon Clipper and Banbury of the Sargent Scriber, will issue the Northern Bulletin at New Orleans during the progress of the exhibition.

GOVERNOR CLEVELAND is the first chief executive of New York to resign his office since the resignation of Martin Van Buren to enter the cabinet of President Jackson in 1829.

AFTER forty years the Washington monument has finally received the cap stone, at an elevation of 550 feet above the ground. This monument is the highest object built by man in the world.

FIFTEEN orange trees near Plant City, Florida, yield this year 150,000 oranges—10,000 to the tree. These trees are about 40 years old, and furnish another illustration of the vitality of the orange tree in Florida.

SUN FONG LOW's new Chinese restaurant in San Francisco is receiving such gorgeous decoration that it is said that when the decoration is completed and the house is furnished, the total expense will approach \$20,000.

SULLIVAN, the prize fighter, has discovered a wonderful bruiser in Portland, Oregon, and threatens to have him brought east. His name is Dan Murphy; he is six feet eight inches in height, and weighs 291 pounds.

CAPTAIN RICHARD KING has sold the largest ranch in America to a New York company for \$6,500,000. The ranch is in Texas. It comprises upwards of 800,000 acres, all under fence, and nearly 200,000 head of cattle, horses and sheep.

DALLAS, Texas, seems to be an ungenial place for the gamblers. One hundred and twenty cases were disposed of Monday, the fines aggregating \$6,000. Altogether the gamblers have recently paid the municipality over \$30,000 in fine and costs.

CHICAGO NEWS: We are pleased to note another cause for Blaine's defeat. Dakota's vote—40,000 for the republican ticket—was thrown out by the democratic congress last winter. Thus did the descendants of Andrew Jackson take fraud by the forelock.

AT a leberwurst party given in New York this week in honor of Cleveland's election, a sausage forty-five feet long and a twenty-five foot loaf of bread were among the dainties consumed. The former weighed seventy-five pounds and the latter one hundred.

SUPERIOR NEWS: Dakota has a population of 430,000, an increase of 184,000 in two years. Her desire to become a state will hardly be gratified at this session of congress or even the next, for her majority for the republican candidate for congress was so large that it is almost doubtful if there was a democratic candidate at all.

THE New York Sun thinks that the Washington hotel keepers may expect 1,305,001 office seekers about March 4, as follows:

Present holders trying to hold on	100,000
Democrats, ten times 100,000	1,000,000
Cleveland republicans	50,000
Blaine republicans who will swear they voted for Cleveland	200,000
Carl Schurz	1
Total	1,305,001

CHICAGO NEWS: Cranks are still sending threatening letters to Governor Cleveland telling him he will not be per-

mitted to enter the white house alive. The threats may be carried out. We see an enthusiastic admirer of the governor has just sent a twelve-pound plum pudding to him. This looks as if they intended to use dyspepsia as the means of removing him.

BOAR's cutlets are the latest novelties at London dinner tables, and they are said to have a flavor of the medieval banquets at which roast peacocks were their accompaniment. The wild boars are shot in the forests of Belgium and France. The cutlets are served on a round dish with a sauce made of broth, white wine and spices.

WASHINGTON special: A noteworthy investment sale of \$70,000 Oregon Railway & Navigation shares has given rise to a rumor that Northern Pacific holders are quietly solving the problem of the lease of the Oregon Railway & Navigation line by buying it in. Union Pacific, its opponent, is known to be in too close financial straits to attempt competition for the ownership.

An enormous balloon, to be called the "Eclipse," is constructing in San Francisco, under direction of Professor Van Tassel, who hopes to eclipse all previous altitudes with it, as well as to eclipse the experience of many other aeronauts by returning safely to the earth alive. The balloon is 105 feet high, 58 feet in diameter, and will hold 85,000 cubic feet of gas.

PIONEER PRESS: A stranger applied at Commodore Davidson's skating rink one day last week for a ticket to Bismarck. The rounding roof had led him into the mistake of supposing the building was intended for a railroad depot; and by the time the workmen had convinced him that the kind of rolling stock he would find there did not run on rails it became apparent to him that he would have to stay over in St. Paul another day.

CHICAGO TRIBUNE: A correspondent asks the highest rate of interest paid by the government during Buchanan's administration, and what price its bonds brought. The loan of February 8, 1861, was issued at an average rate of \$90.478 for \$8,000,000 at \$94.01 for \$3,000,000, and \$85.3427 for \$7,310,000. These were 6 per cent. bonds, payable semi-annually, and the \$18,410,000 sold at an average rate of 93.03 per cent.

TURN gently while the day is young,
Before the glaring moon;
Nor heed the friend who calls aloud:
"Too soon to turn, too soon!"
Now gently turn your coat, my son!
And smile ("a villain still"):
Trim well your sails to suit the breeze
And gain the people's will.
Which say the fide moves move along,
Care not for man or vote;
But as you move, with ready grace,
Turn, gently turn your coat!

—TEXAS SIFTINGS.

MR. BLAINE carried eighteen northern states by an aggregate plurality of 428,000. Mr. Cleveland carried sixteen southern states by an aggregate plurality of 423,000. In the four northern states carried by Cleveland his plurality was 12,312, so that Cleveland's aggregate plurality in the states he carried was 435,000, or 7,000 more than Blaine's pluralities in the states he carried. In the Cleveland states the average percentage of illiteracy is 35 and in the Blaine states it is 5 per cent.

The clerk of the house has compiled a list of the members of the next congress and finds that it will contain 141 republicans and 184 democrats. The democrats have made a gain of 12 members, as follows: Florida, 1; Illinois, 2; Kentucky, 1; Maryland, 1; Michigan, 1; Mississippi, 2; North Carolina, 1; Texas, 1; and Virginia, 2. The republicans have gained 29 members, as follows: California, 5; Connecticut, 1; Indiana, 1; Massachusetts, 1; Missouri, 2; Nevada, 1; New York, 5; Ohio, 4; Pennsylvania, 4; Tennessee, 1 and Wisconsin, 4. The number of members of the 48th congress re-elected is 191.

THE paper with the largest circulation in the world is the Petit Journal, of Paris. It now circulates 750,000 copies per day. Its director, Mr. Hippolyte Marinoni, is the inventor of the Marinoni perfecting presses. He was originally a cattle-herd. When he first started there was not one perfecting press in France, and no newspaper would buy one of him; but he secured the contract of printing the editions of some of the papers at a certain price. Among the papers he printed were the Figaro and the Petit Journal. The latter then had a circulation daily of 100,000 papers. It ran behind in its bills with Marinoni, and to save himself from loss he had to take hold of the paper. He spends \$100,000 a year for advertising, and is confident that within two years he will sell 1,000,000 copies per day. He is allowed \$100,000 per year for printing the paper. Not less than \$120 per line is received for advertisements in any part of the paper, and as high as \$8 per line for one insertion is charged. Once as much as \$10,000 was paid by DeLessens for an article on the first page announcing the issue of the Panama Canal loan. The paper is unsensational in the extreme, but pays close attention to news.

SIoux CITY JOURNAL: President Arthur is reported to be greatly chagrined over the pardon of Flemming and Lor-

ing, the famous "fund W" swindlers. He issued the pardon on the recommendation of Attorney General Brewster. Attorney-General Brewster made his recommendation on the strength of the certificate of Judge Blodgett, before whom the swindlers were tried, and Judge Blodgett seems to have made his certificate in a spasm of maudlin sympathy. President Arthur's practice has been to inquire personally into each application for executive clemency. In this case he did not follow his rule. Hence the mistake of turning loose as accomplished scoundrels as ever went unhung.

A MAN from New England lately presented in the treasury department some bonds which he found among the papers of an uncle whose estate he had inherited. They seemed to be United States bonds, he said, but he could not find a banker who knew anything of them or their value. He desired to know if they were good for anything. They were yellow from age, and proved to be a part of the "old debt" which ceased to bear interest in 1836. The amount of the principal was \$50,000, and there was ten years' interest due on them. He said he would gladly have taken \$5,000 for them, and that he had once offered them to a Massachusetts bank for that, but his offer was contemptuously declined. The old man walked out of the treasury with a check in his pocket on the New York sub-treasury for \$70,000.

THOUGH more than four years have elapsed since the tenth census of the United States was taken, two of the ten volumes in which the results are to be embodied are yet to be issued. They will be devoted to forestry and miscellaneous subjects. It is stated that the reports of the special agents appointed to treat of churches and schools, insanity and pauperism, and statistics of charitable institutions are yet incomplete. A second force of specialists were hired to cover these very important topics, but they have proved inefficient, and the reports are now being hurried forward by clerks. Whether they all succeed in seeing the light or not depends very much upon the facilities of the government printing office, which is now taxed to its utmost capacity, while the present session of congress will leave still less room for census "copy."

BUFFALO EXPRESS: The annual report of the director of the mint, which is to be sent to congress next week, has been published and circulated in advance. It shows that the total coinage of buzzard dollars, since the passage of the Bland bill in 1873, which to the date covered by his last previous report, July 1st, 1883, amounted to \$147,255,899 had increased to \$182,380,829 October 1st, 1884. This is nearly twenty-three times as many of the "dollar of our fathers" coined in a little over six years as our fathers coined for themselves during the whole existence of the government down to 1878. Of this enormous mass of coined metal, only \$40,322,042, or little more than twenty-two per cent., has gone into circulation, while the almost inconceivable number of 142,058,787 of the uncalled-for and unusable dollars remain uselessly stacked up in the treasury and the mint.

MINNEAPOLIS TRIBUNE: One of the first things congress should do when it settles fairly into the channels of business is to take hold of the matter of a universal bankruptcy law. It will be remembered that the excellent Lowell bill was passed by the senate at its last session and is now awaiting the action of the house. The house should pass it at once. There is no room to doubt the disposition of the country toward such an act. The entire business community has clamored for protection of this sort for two years. Boards of trade, and chambers of commerce, and exchanges, and business association of all kinds have resolved and petitioned for it. The evidences of the need of it are patent on every hand. The present condition of business and the numerous failures that are daily reported are a sufficient argument for it. The Lowell bill was devised by one of the best jurists in the country, is supported by the most prominent advocates of a bankruptcy system, and is sensible and safe. Let the house do its duty and give an additional security to trade.

BREAKFAST TABLE: A letter on the subject from one of the most eminent physicians of this country says: Nothing has ever taken with our best citizens as roller skating has done, and nothing ever set on foot for the amusement and physical improvement of young people is more worthy of encouragement. Roller skating is just the thing wanted by our young people, especially the ladies. It affords just the sort of exercise that they require for their physical development—gentle, but active, and so attractive they cannot resist it. It is my deliberate opinion that no conception has ever entered the human mind, in this century, so important to the health of ladies in our cities as this skating within doors. Nothing could exceed it in grace. No sight I have ever beheld is so beautiful as a roller skating rink, with its tastefully dressed young men and ladies sailing, swimming, floating through the mazes of the march, as if impelled by magic power. The old people assemble nightly to witness the sight, apparently as much delighted as their children.

The Bismarck Tribune.

The Magill Case.

Friday's early remarks were devoted largely to the press.

The first point of law which engrossed the attention of the court in the morning was the admission or rejection of the evidence of Dr. Corson, who had been called the evening before by prosecution and asked if, in his opinion, it was possible for such a wound as the one which he (witness) saw in the heart of Bessey to be inflicted by a gun held in the position in which Magill showed to the jury. The attorneys were given until yesterday morning to furnish authorities in support of their positions. Counsel for defense claimed that it was not a proper question to ask a medical witness as to the jury saw the position in which defendant held the gun, they had heard evidence as to the height of Bessey, they knew where a man's heart was located, and it was not proper for a witness to be called to tell them whether it was possible or impossible for the wound to be made. The jury should be left to decide.

After extensive citations the court ruled that the witness might be placed upon the stand and the question answered, suggesting the propriety of changing the wording of the question so as to avoid the word "possible" or "impossible." District Attorney Flannery put an end to the matter by withdrawing both question and witness.

Chester A. King was recalled to give the names of individuals who spoke of Magill's bad character. Heard Mr. Howard speak against defendant. Mr. Howard was upon the witness stand yesterday; also heard Mr. Bessey speak against Mr. Magill's reputation about the first of June; also Mr. Gould, who lives about two miles from Menoken; also Mr. Marston, before the 21st of October last. Witnesses in cross examination, also named as persons who had spoken to him against the character of Thomas W. Magill, Messrs Wolfe, Manhart, Robert Feagles, Robert Grace.

When this evidence was started into, court and counsel for defense had to start to with reference to its admissibility, the court ruling that counsel could not go into place or circumstances of individual cases after getting the names of the men who had spoken to witness against the character of the defendant, he asked concerning one: "What did he say?"

Prosecution objected. Court remarked that counsel for defense got into just the corner he (the court) had anticipated.

Mr. Greene—"Oh, your honor was trying to corner counsel for the defense, then?"

His honor replied that he was not, that that remark did not show sufficient respect to the court, and if counsel repeated such remarks proper steps would be taken, to put an end to them.

The next witness was G. P. Miller, of Bismarck, who was at Menoken on the 21st of October, was on the Magill farm weighing oats; saw defendant in forenoon; defendant would occasionally copy from his book; could not say how he was dressed, was out and in doors of blacksmith shop several times; thinks they were both open; has been hunting with defendant. In cross examination Mr. Miller said he was at Menoken that day to weigh oats for Raymond and Wetherby; witness was employed to look after the interests of these gentlemen; got to Menoken the night before; commenced weighing about 10 o'clock on the day of shooting; weighed till about noon; left farm about noon; went to Feagles' store, where he remained one and a half hours; then went to elevator and stayed fifteen minutes; then came home; while there saw J. K. Wetherby; also saw Bessey.

Here the defense tried to prove threat, but the prosecution objected on the ground that the subject was not touched upon in direct examination. The court sustained the objection.

Mr. Howard. Knows defendant; knows his custom to be to start from house with unloaded gun; been hunting with him only once; went to Long Lake; went in wagon; that time the defendant did not have gun loaded; had several guns.

L. N. Griffin was recalled. Saw prisoner in jail on 21st; told him that he had a warrant for his arrest; asked him if he had been arrested under warrant, or if he wanted to be arrested under the warrant which Mr. Griffin had; defendant wanted to be arrested under Griffin's warrant.

Dr. Hersey was recalled to give diameter of the wound. Perpendicular diameter 5 1/2 inches. Distance from Bessey's foot to center of wound, very close to four feet, seven and one half inches. Distance from soul of foot to wound in back of head, very close to five feet, 6 1/2 inches. The center of the wound in anterior of heart is very nearly divided between the upper and lower part of the heart. The lower part of the heart is nearer the chest wall than is the upper part. Somewhat of a slant to heart; as to the direction of the wound he could not say; from twenty to thirty-five small wounds surrounding main wound; at time of post mortem examination he may have cut right auricle, but other lacerations were made by finger in searching for shot.

Dr. Bentley was recalled. Didn't count surrounding wounds about the main; probe was inserted in wound; direction of wound with reference to Bessey standing, thinks inclined upwards; doctors were over an hour in making post mortem examination; took part in examination once when heart was removed.

Court announced that as so much interest had been manifested in the heart and as it appeared to be so important a point in the case, he would have it brought into the court in the afternoon.

Counsel for defense, who were cross examining witness, said they did not desire or think it necessary that the heart be brought into the court room.

District Attorney Flannery said that for personal reasons he did not want the heart brought into the court room, but he could leave the room while the examination was in progress.

The court insisted on having the heart brought into court for the information of the jury, but several of the jurymen remarked that they didn't want to see the heart.

The court then took a vote and discovering that none of the jurymen desired to have the heart brought into the court room, countermanded the order to the coroner.

Mr. Hinckley, of Menoken, was called. He knew the reputation of defendant in the vicinity of Menoken for peaceable habits to be good.

W. H. Thurston—Lives at or near Menoken.

Has known defendant over two years; knows reputation of defendant at Menoken to be good; did not hear of his having altercations before the one with Bessey.

Mr. Buck, of Menoken, has known defendant about a year and a half; knows his reputation in the vicinity of Menoken to be good; twice had on the farm.

Major Chase was called but was not present. To save time it was conceded by the prosecution that if the major was present he would testify to Magill's good character.

Defense asked privilege to recall Mr. Richards for the purpose of having him correct a statement which he made in evidence yesterday, to the effect that Magill told him that he shot Bessey in the head first. Court refused to allow defense to recall Mr. Richards as a witness, but would permit Mr. Richards to make a correction in testimony if he desired. Mr. Richards came forward. Counsel asked privilege to ask questions of witness. Court refused, and told witness to make his own correction. Court asked Mr. Richards if he desired to make any corrections. Richards said he did not desire to swear positively that Magill told him that he shot Bessey in the head first. Court asked witness several questions. Counsel for defense entered exception to the court's examining witness after refusing to allow counsel to examine.

Court then ordered all the evidence of witness stricken from records and asked counsel if they desired to examine witness. Counsel replied "not after the examination of the court." Thus another hot dispute was settled and the trial proceeded.

Mr. Bigelow was recalled. Said he lived near Mr. Bessey some time before his decease; knows Magill; had heard Bessey make threats against defendant; it was when they were having trouble with men about pay, before the homicide. Defense asked witness what Bessey said in conversation "which implied a threat." Court ordered words "which implied a threat" stricken from records. Defense insisted that the witness should give only that portion of conversation which was germane to case, and implied threats. Court demanded that all the conversation be given. Defense discharged witness and offered exception to court's ruling ordering question stricken out. Court would not allow exception, informing the counsel that he did not order question stricken from records. Counsel for defense insisted that the court did make such ruling. Court replied that he did not, but ordered words "which implied a threat" stricken out, and said he hoped counsel was gentlemanly enough to acknowledge his mistake.

Counsel replied that they would exercise their gentlemanly instincts as well as their discretion. Witness was discharged and both, prosecution and defense, gave notice that all evidence had been submitted and they were content to rest the case.

THE ARGUMENTS.

District Attorney Flannery announced that Attorney Cook, having assisted him in the case, he would open for the prosecution and the closing remarks would be delivered by himself. Mr. Cook then addressed the jury on behalf of the prosecution. Mr. Cook occupied about thirty minutes in opening, and acquitted himself creditably.

Mr. Stoyell then opened for the defense in a speech of about three quarters of an hour. Mr. Stoyell made an exceptionally good plea and brought out his points forcibly and with good grace.

Attorney Greene followed for the defense in a very eloquent and finely worded plea. Mr. Greene is a graceful and fluent speaker, and his effort last Friday was extremely brilliant.

The arguments in the Magill case were closed Saturday. In the morning Mr. Greene resumed his plea in behalf of the defense, occupying nearly two hours. The grounds taken by Mr. Greene in his argument was that the evidence in the case fully supported the claims of self defense. The point first made by Mr. Greene was that no criminal, guilty of the crime charged against Thomas Magill, would have acted as the defendant did in denouncing himself over to the authorities. He did not attempt to escape. He tried to hide none of the facts from his wife, his parents or the public. He knew that he had killed a man, but feeling that he was perfectly justified, begged of the people and courts of Burleigh county a fair and impartial trial. Mr. Greene said he came not only as counsel for the defendant, but as friend, having known him for years and knowing him to be a young man of good reputation and character, and against whom nothing, to his knowledge, had ever before been said. He held that there is but one living man who actually knows the circumstances. The man is the defendant at the bar. Then the credibility of his story must be taken into consideration. Counsel held that no guilty man could have come into court and undergone the severe scrutinizing cross examination with which the defendant was tested without flinching; without making some contradictions or noticeable discrepancies. Never was a witness given a more rigid examination and never was a straighter story told. In not an instance had the defendant contradicted himself. A few minutes before the shooting he left his affectionate wife with a smile, and perhaps a kiss, went from the home of his old father and mother, the same quiet, peaceful husband and son, and it is possible to believe that in a few moments he was transformed into a blood-thirsty demon? The defense maintained that the position of self defense was well supported by evidence in their claims of self defense. The fact that Bessey had made numerous threats against the defendant, having told the young lady that if Tom Magill gave him any of his lip he would kill him. The dream of Bessey that he had a fight with Magill, proving that the animosity and hatred was always in his mind were all a strong proof of self defense.

Mr. Greene's argument was very eloquent and forcible.

THE CLOSING ARGUMENT

for the prosecution was made by District Attorney Flannery, and was the subject of much complimentary and flattering comment. It was, without doubt, one of the ablest efforts or Mr. Flannery's brilliant career as an advocate. The prosecution in making a summary of evidence and presenting the case to the jury maintained that the fact having been established that the killing was done by the defendant, the burden of proof rested with the defense. Prosecution held that defendant did not prove self defense or show that it was justifiable homicide. The wound was of such a nature that it could not have been inflicted by a shot gun held in the position claimed by the defendant. If the shooting took place as the defendant says, the deceased must have staggered back at least eight feet before he fell. The doctors all testify that from such

a wound in the heart the blood would have gushed in a stream as large in diameter as the hole, which was several inches. In that case there would necessarily be blood spattered about the room. But again the evidence shows that all the blood was immediately around the body in the corner of the room, which does not substantiate the statement that Bessey rushed at defendant with hammer. Prosecution claimed that the first shot was the one which struck Bessey in the head, and was prematurely discharged from the right barrel, which had a disabled trigger, and the second shot was fired from the left barrel, with deliberate aim, taking effect in the heart as Bessey wheeled about, and the intention to kill Bessey was formed by the defendant while quarreling in the shop.

The case has been very ably conducted by Attorneys Flannery and Cook for the territory and Attorneys Greene, Carland and Stoyell for the defense.

THE CHARGE.

For the first time during the trial it became utterly impossible to keep the siles free and they were thronged almost to a jam. The judge entered the room at a few minutes past two o'clock and, the jury being seated, the charge was delivered. A fairer document, perhaps, was never read to a jury, and public comment is very flattering to the judge. The following is the charge:

EXEMPTION OF THE JURY: We are engaged in a serious business, involving principles and matters of the gravest import, the highest exercise of wisdom, prudence and justice, and demanding (so far as it is possible in man) unbiased and unprejudiced perception, consideration and conclusion.

Human law is, at best, imperfect, but its true design is that no innocent man shall suffer and no guilty man escape punishment.

The code of criminal procedure of the territory of Dakota provides that "a defendant in a criminal action is presumed to be innocent until the contrary is proved, and in case of a reasonable doubt as to whether his guilt is satisfactorily shown he is entitled to be acquitted."

Thomas W. Magill, the prisoner at the bar, stands charged with the crime of murder in the killing of one Melville H. Bessey at Menoken, in the county of Burleigh and territory of Dakota, on the twenty-first day of October, 1884, and you are the sole judges of every fact brought out or alleged in the evidence. This is your clear domain, upon which neither the court nor counsel can encroach. You are to find your verdict from the evidence before you under the law as enacted by the court.

The penal code of our territory provides as follows, viz:

Homicide is the killing of one human being by another.

Homicide is either:

1. Murder.
2. Manslaughter.
3. Excusable homicide, or
4. Justifiable homicide.

No person can be convicted of murder or manslaughter or of aiding suicide unless the death of the person alleged to have been killed and the fact of killing by the accused are each established as independent facts beyond a reasonable doubt.

Homicide is murder in the following cases:

1. When perpetrated without authority of law and with a premeditated design to effect the death of the person killed or of any other human being.
2. When perpetrated by any act imminently dangerous to others and evincing a depraved mind regardless of human life, although without any premeditated design to effect the death of any particular individual.
3. When perpetrated without any design to effect death by a person engaged in the commission of any crime.

A design to effect death is inferred from the fact of killing, unless the circumstances raise a reasonable doubt whether such design existed.

A design to effect death, sufficient to constitute murder, may be formed instantly before committing the act by which it is carried into execution.

Homicide committed with a design to effect death is not less murder because the perpetrator was in a state of anger or involuntary intoxication at the time.

Homicide is manslaughter in the first degree in the following cases, viz:

1. When perpetrated without a design to effect death, by a person while engaged in the commission of a misdemeanor.
2. When perpetrated without a design to effect death, and in heat of passion, but in a cruel and unusual manner, or by means of a dangerous weapon, unless it is committed under such circumstances as constitute excusable or justifiable homicide.
3. When perpetrated unnecessarily, either while resisting arrest by the person killed to commit a crime, or after such attempt shall have failed.

Every killing of one human being by the set, premeditation, or culpable negligence of another, which under the provisions of this chapter is homicide, is either murder, or manslaughter in the first degree, or excusable or justifiable homicide, as manslaughter in the second degree.

If, after a careful estimation and consideration of all the evidence beyond a reasonable doubt, that Melville H. Bessey came to his death at Menoken, in the county of Burleigh and territory of Dakota, on the twenty-first day of October, 1884, from a wound inflicted by a shot gun, and that the defendant Thomas W. Magill inflicted said wound without authority of law and with a premeditated design to effect the death of said Melville H. Bessey, then it is your duty to find the defendant, Thomas W. Magill, guilty of the crime of murder, and in that case it will be your further duty, as provided in the code of criminal procedure, to designate in your verdict whether the defendant shall be punished by death, or imprisonment for life at hard labor.

In this case in order to convict the defendant of the crime of murder, you must find, from the evidence, that the deceased came to his death from a gun shot wound, that the shot was fired by the defendant and that said shooting was done by the defendant, with a premeditated design, formed or existing in his mind at the time, to effect the death of the deceased, Melville H. Bessey, and you must find all this beyond a reasonable doubt; and should you find that the defendant, Thomas W. Magill, is not guilty, of murder, you may find the defendant is guilty of manslaughter, or whether the homicide, or killing of Bessey, was justifiable or excusable under all the facts and circumstances.

If, after considering and weighing the entire evidence, you find that the inflicting of said wound upon said Bessey, was by the defendant, Thomas W. Magill, and that he did so without a design to effect death, and in a heat of passion, but in a cruel and unusual manner, or by means of a dangerous weapon, and not under such circumstances as constitute excusable or justifiable homicide, then you should find the defendant guilty of manslaughter in the first degree.

Homicide is excusable in the following cases, viz:

1. When committed by accident and misfortune, in lawfully correcting child or servant, or in doing any other lawful act, by lawful means, with usual and ordinary caution, and without any unlawful intent.
2. When committed by accident and misfortune in the heat of passion, upon any sudden and sufficient provocation, or upon sudden combat; provided that no undue advantage is taken, nor any dangerous weapon used, and that the killing is not done in a cruel or unusual manner.

Homicide is justifiable when committed by any person, in either of the following cases:

1. When resisting any attempt to murder such person, or to commit any felony upon him or her, or upon any dwelling house in which person such is.
2. When committed in the lawful defense of such person, or of his or her husband, wife, parent, child, master, mistress or servant, when there is a reasonable ground to apprehend a

design to commit a felony, or to do some great personal injury, and instant danger of such design being accomplished; or

3. When necessarily committed in attempting, by lawful ways and means, to apprehend any person for any felony committed; or in lawfully suppressing any riot; or in lawfully keeping the peace.

Upon a trial for murder, the commission of the homicide by the defendant being proved, the burden of proving circumstances of mitigation, or that justify or excuse it, devolves upon him unless the proof on the part of the prosecution tends to show that the crime committed only amounts to manslaughter, or that the defendant was justifiable or excusable.

Some of the provisions of law which I have just read in your hearing comprehend what is often called "self defense."

If this case, the prisoner at the bar, Thomas W. Magill, sets up the plea of self defense in excuse or justification of the killing of Bessey.

It is not every assault or impending danger to life or person that justifies homicide, were that the case, such is the weakness and frailty of human nature the taking of human life would be a frequent occurrence. It must be a lawful defense, or this homicide resulting from the force exercised or used as a defense will not be justifiable. And the justification must be tested and measured by the facts and circumstances of each particular case.

When the killing with a deadly weapon is established or admitted, and self defense is sought to be interposed as a justification, the proof must clearly show that the person doing the killing was, at the time he inflicted the fatal blow or wound, in real or plainly apparent danger of his life or of great bodily harm, and the danger is to be tested from the standpoint, not of the jury, but of the one who is attacked, in the light of the surroundings and the situation of affairs at the time, as disclosed by the evidence.

He, who by his own act begins an attack, or who seeks a fight and provokes another to strike him, cannot justify the killing of his assailant in self defense.

And here the propriety, nay the necessity, of carefully taking into account all the facts and circumstances brought out in evidence is manifest.

Self defense is frequently pleaded in cases of homicide, and both courts and juries should scan it carefully.

Under certain circumstances and conditions, may kill another and summarily stop a life and be justified in the law, then it becomes of the highest importance to ascertain, if possible, the circumstances and conditions of the killing, and whether or not at the time of the killing, the circumstances and conditions which justify it, actually existed, or whether or not the person doing the killing had reasonable ground at the time to believe that they did exist.

The danger and imminence, or the apparent danger of the attack or impending danger of attack, is to be tested, as I have already declared to you, from the standpoint, not of the jury, but of the one who is attacked, in the light of the facts and circumstances which the jury believe, from the evidence, existed, or reasonably appeared to exist at the time of the killing.

And, in this connection, you are not to consider the threats said to have been made by Bessey against the defendant as having had any influence or effect whatever upon the mind of the defendant, at the time of the shooting, either with respect to the attack claimed to have been made upon him by Bessey, or with respect to its design, nature or imminence, as it is not claimed that these alleged threats, or any of them, were ever communicated to the defendant. Indeed, it is admitted that they were not.

In determining from the evidence whether the defendant was or was not justified in taking the life of Bessey, as well as in determining the general question of the guilt or innocence of the defendant, you are to take into consideration the weapon in the hands of the defendant, the means of defense at his disposal, the use he made of that weapon or means of defense, his opportunity, if any, of avoiding the attack, or of escaping any impending or threatened danger without withdrawal or retreat, his failure to do so, if it existed; the occupation of Bessey at the time, and what, if anything, he had in his hands, whether or not any attack was made upon the defendant, and if one was made, or was threatened or impending, its nature, force and extent, and, in that connection, the amount of force and the kind of resistance used or made by the defendant; the position of both parties when the shots were fired; the number of shots fired; the time between the shots; the situation, size and shape of the blacksmith shop where the tragedy occurred; the location and condition of the doors, awl, bellows and work bench; the place where the shot entered the woodwork, or partition and side of the shop; the place, nature, extent and character of the wounds on the person of Bessey; the spot where the body of Bessey was found; its surroundings, the position in which it lay, and any and all other matters testified to immediately or in any way connected with the fatal occurrence. And you are to determine the attitude of the parties at the time the shots were fired; whether or not Bessey raised a hammer, and if he did raise it, whether it was while advancing to attack the defendant, or in his own defense against the gun of the defendant.

All these are vital things, the existence or non existence of which, or the manner, form and extent of which, if they did exist, in every particular, matter and circumstance, are to be determined from all the evidence in the case.

And if, from all the evidence, you find, beyond a reasonable doubt, that the killing of Bessey was done by the defendant in resisting an attempt by Bessey to murder him, or in the lawful defense of his person when there was reasonable ground for him to apprehend a design by Bessey to commit a felony, or to do him (defendant) some great personal injury, and that there was imminent danger of such design being then accomplished, the killing, in law, and your verdict should be "not guilty," if it also appears that the violence used by the defendant was no greater than was necessary to repel the attack, and if it further appears that the defendant, Magill, could not have avoided the attack without killing Bessey.

If you find, from investigation and consideration of all the evidence, that the defendant first made an attack upon Bessey, or that no attack was made or threatened by Bessey, or that, if an attack was made by Bessey, there was no reasonable ground for any apprehension by the defendant that Bessey designed to take his life, or do him some great personal injury, and that the defendant had not reasonable ground for believing the danger imminent that such design would be then accomplished, or that the defendant could have withdrawn in safety, or have avoided the combat before he killed Bessey, or that the defendant wilfully or negligently used more force than was necessary to repel the attack, if any was made upon him, then the homicide was not justifiable.

It is not enough for the defendant to raise a doubt as to whether or not he did the killing in self defense.

Self defense, when sought, as in this case, to be interposed as, of itself, a distinct and complete excuse, or as a defense, must, in order to warrant a verdict of acquittal, be established by at least a preponderance of evidence.

The defendant, seeking to raise the shield of self defense against the uplifted hand of the law, must show that he has a legal right to use it.

He must make his self defense appear, and for that purpose can avail himself of all the evidence in the case given on either side.

You are to marshal all the evidence in this case, gentlemen, and inspect it calmly, justly, (beyond the reach and without the memory of the eloquence or ingenious threats, or defensive parades of counsel), in all its parts, in the steady and unswerving illumination of reason and judgment, unbiased either by prejudice or sympathy. And when you do that, the facts, going to prove or disprove the justification of self defense, take their place either for or against the defendant, and go either to make up the sufficiency of the evidence, or add to the strength of the reasonable doubt, which may call for his acquittal, or go to form a part of the body of evidence which may prove his guilt and require his conviction.

As already stated, if you find the defendant guilty of murder or of manslaughter, you must be satisfied of his guilt beyond a reasonable doubt.

I will not undertake to determine for you what a reasonable doubt is. You must determine for yourselves, in your own inner consciousness, by the light and operation of untrammelled reason and clear judgment, from all the evidence, whether or not you have a reasonable doubt in this case.

The evidence of guilt must be such as will satisfy your minds and consciences and then direct your understanding evidence upon which, as thoughtful and prudent and careful men, you would not hesitate to act in any matter of high concern in your own affairs. The fact that the defendant delivered or sought to deliver himself up after the shooting is of itself no proof of innocence or guilt, but is an item of evidence to be considered with all the rest of the testimony, and the motive or purpose of which the jury are to ascertain or arrive at, if they can, from all or any of the other circumstances in the case.

Under the indictment the general reputation of the defendant for peacefulness could not be brought into the case by the prosecution.

Until a defendant raises the question of his own general reputation, it is not in issue. The inference is that it is good, or was good prior to the time of the offense charged.

But the defendant has himself placed his general reputation for peacefulness at issue in this case, and it, therefore, becomes a matter for consideration, something upon which evidence has been offered upon both sides of the charge.

The reasonable effect of proof of good character is to raise a presumption that the accused was not likely to have committed the crime with which he is charged.

The force of this presumption depends upon the strength of the opposing evidence of the truth of the charge. If the evidence establishing the charge is of such a nature as not, upon principles of reason and good sense, to be overcome by the fact of good character, the latter, that is evidence of good character, will, of course, be unsatisfactory and immaterial.

And the same will be true of any other fact or circumstance in evidence, which, after receiving its due weight, does not alter the conclusion to be drawn from the other evidence in the case.

Evidence of good character does not, per se, rebut the presumption of guilt arising from circumstance, but is evidence proper to be considered by the jury, the effect of which as to whether it does in fact rebut such presumption or not is for the jury to determine, and in determining this you are to consider all the evidence for and against general good reputation.

Good reputation is not, of itself, neither is social standing, of itself, a defense or excuse for crime, neither is bad reputation, of itself, proof of guilt, for if there were no more, no matter how guilty, would always have a defense at their command, while others, not so fortunate would though innocent, suffer as guilty.

The evidence, then, offered on behalf of the defendant, as to his general good reputation for peacefulness, is not to be taken by you as of itself, a defense or justification of or excuse for the crime with which he stands charged, neither is the evidence offered by the prosecution as to his bad reputation to be taken as of itself, proof of his guilt in this case; but all this evidence is to be taken as evidence of the defendant's general good or bad reputation, and of peacefulness, as a circumstance or item of evidence bearing indirectly upon the question of his guilt, and it is for you to say how far this evidence as to the general good reputation of the defendant for peacefulness has been rebutted or modified by the prosecution.

No threats or words, however abusive or violent, will justify a homicide.

If you find from the evidence, therefore, that threats were made by Bessey against the defendant or members of his family, this will not justify or excuse in any sense the degree of the killing of Bessey by the defendant, but they may be considered by you in determining who was the aggressor in the blacksmith shop, or a tendency to corroborate the statement of the defendant as to the nature, force or violence of

the attack which he says Bessey made upon him, you come to the conclusion that Bessey made any attack upon the defendant. But the evidence of these threats, being in the nature of hearsay evidence, and the threats being alleged as made by one who was removed from life by the act of the defendant and made powerless to either explain or refute them, should be carefully scrutinized and impartially weighed.

This is also true with respect to the narrative by the defendant of what he says took place in the blacksmith shop when the killing was done. And it is especially true if you find from the testimony in the case, that only Bessey and the defendant were present. As one of the results of the tragedy, Bessey cannot speak for himself. The evidence, therefore, of the living participant, by whose act, whether lawful or unlawful, Bessey was deprived of all opportunity to appear at this bar, given in his own behalf, in defense of the crime charged, should be carefully and fairly considered with all the other evidence offered in the case, with the view of arriving at the real facts.

A high responsibility and duty lies upon the court and jury in cases of this kind. The duty and responsibility of counsel is great, but not to be compared with that of the court and the jury.

The court has endeavored to come up, as near as possible, to the full measure of what is required of it in this case, and now asks you to perform what is required of you.

You are to do your duty to Melville H. Bessey, the deceased, Thomas W. Magill, the prisoner at the bar, and the territory of Dakota, the prosecutor in this case, without fear or favor, without bias or prejudice, dispassionately, in the light of the law and the evidence, under the oath you have each taken in the name of God.

He Takes A Holiday.

Mr. C. A. Holliday well known as an employee in the clerical department of the Northern Pacific offices in this city, and formerly leader of the Garfield Light Guard band, has decided to go it alone again for a while at least, and so informed his wife. Mr. Holliday has been at his former home in Indiana for sometime and, apparently, having given the subject much mature deliberation and study, calmly resolves that it is better for man to be alone. He has written to his wife telling her to send the two boys to him and keep the other child, and closes with the affectionate and loving proposition that she may go her way and he will endeavor to move in an opposite direction. The cause for Mr. Holliday's action is a mystery and the little family he has left, have the sympathy of all.

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THE GERM THEORY.

Popular Explanation of the Doctrine of Modern Pathology.

Minute Organisms Which Propagate Disease—Success of Professor Lister's Disinfecting Process—"Bacteria."

(Philadelphia Press.)

There is a large class of diseases of which it has been known for a long time that they have certain characteristic peculiarities in their course. They are apt to appear as epidemics or are endemic in certain localities. They are more or less contagious. They have a period of incubation—i. e., a time during which the poison causing them lies dormant in the system. For instance, a person today exposed to the contagion of small-pox and infected by it will experience the first symptoms of the disease by the fourteenth day. During this interval between the infection and the first outbreak the poison was latent, and this interval is called the period of incubation. Another peculiarity is that these diseases run a definite course. They are self-limited. Thus in an average case of an infectious malady, provided no complications occur, the physician may foretell the exact duration of it. Then one attack of such a disease usually insures at least for a certain time, immunity against a second.

All these peculiarities seemed to point to some unknown agent which needed a certain period to ripen, when at maturity it developed in the system symptoms always alike in the same disease and differing only according to the organ mainly affected and to the idiosyncrasy of the individual.

That not one and the same agent caused all these diseases was also known. Some maladies, as the Asiatic cholera, seemed to have special breeding places, others developed mainly in favor of the decomposition of animal and vegetable refuse, as, for instance, typhoid fever; and again others appeared only when many human beings were crowded in a narrow place, as typhus on board of ships, and among soldiers when in camp. Some were known to flourish mainly in winter, as small-pox; others, as yellow fever, during the hot months. One had shown itself always attacking the throat, as diphtheria; another the small intestines, typhoid fever; one the lungs, pneumonia; or the membranes of the brain and spinal cord, cerebro-spinal fever, while a whole class had its main seat in the skin—small-pox, scarlatina, measles, erysipelas, etc.

These facts were known and they proved that each infectious disease was caused by a morbid agent of its own. What that agent was for more than 2,000 years no one could tell. Finally, about fifteen years ago, it happened that several observers noticed that by the use of certain drugs called disinfectants, some of these morbid agents could be so influenced as to diminish or destroy their infectious qualities. It was found that these diseases spread less in the air when using the patient, if his discharges and his linen were subjected to the action of these disinfectants, especially carbolic acid. In a hospital in Vienna, among lying-in women, a dangerous disease called puerperal fever had caused such ravages as to put in jeopardy the life of every woman admitted to the institution. The introduction by manual examination of a person who was not to be removed by the most thorough washing of the hands was suspected. No physician nor any other individual connected with the hospital was then permitted to enter the lying-in ward without having previously applied to his hands a disinfecting solution of carbolic acid. The consequence was the stamping out of the disease—no new cases happening.

Dark rumors of minute organisms that were said to be the cause of the pus in surgical wounds and to cause the death of the individual operated upon, about that time commenced to pass through the medical papers. At last it was definitely asserted by reliable authorities that such micro-organisms had been found in the purulent discharge of wounds. Professor Lister, then in Edinburgh, about ten years ago made the first practical application of this discovery, which then was still in its cradle and looked upon with incredulity. Professor Lister, starting from the fundamental idea that if such micro-organisms were the cause of morbid pus they should be totally excluded from every wound, therefore he operated only under a spray of carbolic acid in a room whose air had been previously impregnated with the same drug. His own hands, as well as those of his assistants, and all the instruments and apparatus used were disinfected in a similar manner. Before the operation the skin over the part to be operated upon was also washed with such a solution; while operating the arteries were registered with antiseptic ligatures, and after completing the operation the wound, still exposed to the carbolic acid spray, was closed with antiseptic sutures and then a compress and a bandage applied, which was to complicate it to be here described, and of which we will only say that they totally excluded all air except such as had passed through a disinfecting solution of carbolic acid.

The success of Lister's procedure was great. Wounds that had healed only after long suppuration now closed within a few days by first intention; operations formerly followed almost invariably by death due to the exhausting discharge of pus were now performed with the greatest confidence, and they healed without any untoward symptom, and the opening of the abdominal cavity, once just dreaded on account of peritonitis, now became of daily occurrence, and saved hundreds of lives, especially of women.

While these remarkable results drew the attention of the whole medical world to the researches for micro-organisms were silently going on, having received a new impetus from Lister's success. Every morbid discharge, every fluid and tissue, the seat of a morbid process were examined with the view of finding micro-organisms. Suddenly from all sides discoveries were announced. In England the microbe of pyemia was detected. Pasteur discovered that of anthrax, Klebs that of typhoid fever, Koch those of tubercle and pneumonia, of cholera. In the Japanese fever, malaria, and many other infectious diseases, micro-organisms were found.

These animalcules, microbes, micro-organisms, or microzymes are known under the generic term of bacteria. According to their shape and other characteristics, they are subdivided into micrococci, bacilli, and vibrios, the first usually appearing as diminutive cells and dots, the second as fine rods, and the last in all kinds of fantastic forms. Colon has classified them in a scientific manner, which would little interest the general reader.

These bacteria are exceedingly small, some of them having a length of less than three-thirtieths of an inch. They can be detected with the aid of the most powerful microscope, which of them cannot be seen even by the naked eye. They must be first subjected to a special coloring process, while a while doing this, does not influence the tissues in which they are found. And in the case of the bacilli (probably vibrios) of cholera they can not be even demonstrated this way; they have first to be isolated and cultured to bring out their most characteristic points, for instance, that vibrio will grow in a brown tint, has no such influence of other bacilli.

THE SISTER.

[Cluskey Cronwell in The Republic.]
She never knew that music soft and sweet—
The patter of a little baby's feet;
She never knew the world of joy and bliss
That lingers in a husband's tender kiss;
She never knew the heartache and the pain
Of living loving, and that loving vain;
She never knew the sorrow and the woe
Of losing light from eyes whose radiant glow
Was all her sun!

She lies in vain, you say?
If, then, to live in vain is day by day
To go among the lowly and the poor,
A ray of sunshine to each darkened door;
To scotch with gentle words and gentle touch
Wretches who sinned, and sinned to suffer
much.

To be the link that joins a weary life
To God; to be the comfort of the strife;
To be the soothing balm for every pain;
Then that grand woman truly lives in vain!

NOVELTIES OF CHINESE COSTUME.

Nothing Fits Except His Stockings—Jackets and Caps.

[St. Louis Globe-Democrat.]

The principal feature about a Chinaman's costume is the fact that nothing ever fits but his stockings. His clothing consists really of three or four shirts or garments made after the fashion of a skirt, each opening in front and having five buttons, a sacred number. These buttons are never in a straight row, but in a sort of semi-circle half around the body. The outer garments have sleeves a foot longer than the arm, a fact which affords abundant opportunities for theft. A Chinaman's jackets are his thermometers. He will say: "To-day is three jackets cold, and if it increases at this rate, to-morrow will be four or five jackets cold."

Their shoes are well known, but their caps are of three or four different forms. One they call the "watermelon cap," of the shape of half a watermelon, having no front-piece, but instead a knob on the top by which it is handled. The second is like a round top felt hat with the sides turned up, and others are of various shapes. The color of the knob on top of the hat is the sign of rank among mandarins. The lowest wear a gilt knob, then a white stone, a clear crystal, a pale blue stone, a deep blue, a pale red and a deep red, in order of rank. Yellow may only be worn by the emperor's family, but as a mark of respect to age, men over 90 years by special edicts are allowed to wear yellow, this always entitling them to great consideration among all classes.

The dude pantaloons probably originated among the Chinese, for, from the dawn of history, the state officials and courtiers and dressy persons will wear a sort of pantaloons, which are as tightly as possible to the leg, and each leg being entirely separate from its fellow. These trousers are of silk or satin, and the legs are held in place by being fastened to waistband or belt round the body. On the approach of cold weather the Chinese increase the number of their garments, until sometimes they are like animated bales of cotton, their arms being forced into a nearly horizontal position; nor do they take off their masses of clothing until the return of spring.

New Things in Watermelons.

[Philadelphia Times.]

"Any new varieties this year?"

"Well, we have the vanilla and the lemon-flavored watermelons. They are got by injecting the vanilla flavor or inserting a bit of lemon into the stem while the melon is growing. The flavor is taken up by the pulp and makes a delicious combination. Only epicures know of this wrinkle, and we therefore have few of the doctored species on sale. You can get a toothsome dish by plugging a melon, injecting a little fine claret, restoring the plug, and allowing the wine to be taken up by the fruit. But, beware; the combination is as seductive as Roman punch."

"Any new ways of preparing the melon for table?"

"Well, I've been eating melons for forty years, and I still prefer 'em plain. Some of my customers, however, like 'em mixed. One of my best boarding-house customers has watermelon salad every Sunday in the season. She prepares it, she says, just as she does lettuce—cuts the red part of the melon up into bits and adds pepper, salt, vinegar and oil. It ought to make 'em sick, but she does say her boarders just fight for it. Another family that I know of just pour molasses on their melons. A good many people, I believe, always add a squeeze of lemon to the fruit. A Boston family that deal with me are always particular to have their melons firm and just ripe, and don't boggle about the price when they get 'em to suit. They have the melons cut into little strips, and eat 'em with cold baked beans. But, as I said before, for my part I like 'em plain."

The Goat and the Tiger.

[Detroit Free Press.]

A Goat and a Tiger having been made prisoners in the same Pitfall, the Goat remarked:

"It would seem wise to Pool our Issues against the Common Enemy. I'll Agree not to Eat you if you'll Agree not to Eat me."

The Tiger readily agreed, and by great good fortune the pair managed to Regain their Liberty. They were Scarcely out of the Pit, however, when the Tiger seized the Goat and Prepared to Crush him.

"Wait!" Did we not have a Solemn Agreement?"

"Exactly, but what a Tiger Agrees to in a Pitfall does not hold good when he reaches the surface."

Moral: There isn't any to speak of, except that the Goat should have Eaten the Tiger down in the Pit and Trusted to Luck to Escape Afterwards.

Remarkable Deer Park of a Tennessee.

[Chicago Herald.]

There are now 450 deer in Gen. Harding's park, six miles from Nashville, Tenn. Notwithstanding the Harding family's love for venison and the large number of friends frequently supplied with the delicacy, the herd increases rapidly. At the close of the war it numbered about sixty head. The park has 425 acres and has many foxes within its bounds. Gen. Harding, now 90 years old, possesses a grand farm of 4,700 acres.

Fishing with a Balloon.

[Albany Journal.]

A charming young lady of Albany visiting friends at Melrose, recently sent up a toy balloon to which she attached a card bearing her name and the further inscription: "If any good-looking young bachelor or widower finds this will be please return it." The balloon, after a week's absence, was found near Pittsford by a young farmer. He returned it with his compliments and his photograph.

Wanted Dye-Stuff.

[Exchange.]

A little girl being sent to a shop to purchase some dye-stuff, and forgetting the name of the article, said to the shopman: "What do you folks dye with?" "Die with! Why, cholera, sometimes," replied the shopman. "Well, I believe that's the name. I want to have three penny-worth."

It is estimated that the south is spending to-day twice as much as it did five years ago for education, and four times as much as it spent in 1870.

VARIETY IN LIFE-PRESERVERS.

The Supervising Inspector Gives an Account of Them.

[Washington Cor. New York Post.]
"Soon after the occurrence of each new marine disaster," said Gen. Dumont, supervising inspector general of steam vessels, "we are sure to be flooded with numerous appliances for saving the lives of shipwrecked persons. Since the wreck of the Columbus there have been several life buoys presented as samples for adoption. Many of these articles are very ingenious, but very few of them are of any practical value. Years ago the appliance for keeping bodies afloat in water consisted of two or more bladders blown up and tied together with a string. The first life-preserver adopted by the board of supervising inspectors, in 1832, consisted of cylindrical tin buoys, hermetically sealed. It was found, however, that the liability to rust, and the danger of perforation, was so great that they had to be discarded, and rubber bags were next chosen as the proper preservers for steam vessels."

Later, cork came into use, and this article has been the main component of preservers for many years. Latterly, however, it was found that many of the cork preservers were losing their buoyancy, and at the last meeting of the board a new device was adopted. It was a very simple and inexpensive affair, yet it answers all the purposes for which a life-preserver is needed. The buoy consists of sixteen bunches of reeds or rushes, each about three inches in diameter, and composed of about twenty pieces of reed or rush. This rush grows in enormous quantities in California, and is called the tule reed; each stem is a succession of cells surrounded by pith, and the outer surface is lined somewhat after the style of a cork. The inventor is a Californian, and he says he can make the preservers at a cost of about 15 cents each. Their buoyancy is very great, and as cheapness is an element to be considered to a certain extent, the board concluded that this tule preserver is the best for the purpose yet offered.

The inventors are always getting up something new. A lady from Mississippi is the latest contributor to our stock of oddities. Her contribution consists of a modification of the old tin cylinder. She makes hers out of birch bark, with a deck of the same material. It is trimmed up with white canvas flaps, and has ribbons to fasten across the shoulders, and altogether is a very pretty article, but as the birch bark is as liable to perforation as the tin, and as the ends are simply glued on, it would scarcely do to adopt it for service. Besides, it must be an extremely expensive affair; only wealthy owners of fancy yachts could afford to purchase it. It will not be adopted."

Last Snake Story of the Year.

[Columbus (Ga.) Times.]

A strange story comes to us from one of the counties below here, and if it were not for the fact that it is more strange than fiction, we should feel a hesitancy about relating it. The story is this: A gentleman having been at work in a field some distance from home had carried his dinner with him. When noon came he took his basket and went in a piece of woods near by, and close to a creek, to eat his dinner. After finishing the meal he sat down on a log to rest awhile before resuming his work. While thus engaged, happening to glance at an old dead stump just before him, he saw a snake's head protruding from a hole. He immediately seized a long pole and went up by the side of the stump waiting to see if the snake, which had gone back, would reappear. In a short time the snake did not seem him, crawl out, and as he did so the gentleman killed him with a well-directed blow, seeing then, to his horror, that it was that most dreaded reptile, the rattlesnake. To his astonishment another came out and was also slain, and another, and another, until thirty-four had been counted. While still watching the hole he observed that the last snake had only been wounded and had crawled off, and was, apparently, writhing in the agonies of death some distance off on a sand bar caused by the overflow of the creek. He immediately left his post and advanced toward the hideous reptile to dispatch him. When he reached the spot the snake was apparently dead. Looking down on the smooth sand near by he saw, to his utter amazement, the words "no more" traced thereon in plain distinct characters. He looked at the snake and he looked at the words. He saw that a capital N should have been used in commencing a sentence, and he made the correction, then, seized with a sudden superstitious fear, he hastened home and told his strange story. We give it to the public for what it is worth. After all the snake may have had, perhaps, there was more.

Pets of the Railroad Men.

[New York Sun.]

A jolly-faced man darted out from the starter's box at the city hall elevated station and heaped some sweet bread crumbs on the top of a coal box at the end of the station. Then he poured some fresh water into a large tin cup near the crumbs and hurried back to his box.

Half a dozen pigeons that had been watching him from the roof of a house opposite the station flew one after another to the bread crumbs, ate what they wanted, took a drink of the water, and sailed away again. A dozen sparrows that had been fleetly fluttering about the telegraph wires flew to the crumb box in a flock the moment the pigeons departed and quickly devoured what was left of the bread.

"There," said the starter, "you have seen something that goes on here every day as regular as clockwork. The pigeons come in the morning and about this time in the afternoon every day and enjoy their meal. The pigeons always eat their share one at a time, as you have seen. They had a regular battle last month to settle which should be the leader at the meal, and the biggest and handsomest male of the lot won, and has ever since been first at table. The sparrows feed last of all. All the birds are pets of the trainmen. They send down lots of bread and cake to be fed to the flock, and the birds are seemingly getting to know them."

Sparrows build nests in a great many of the station roofs on all the elevated lines, and are fed by the porters. In one downtown station there is a pet mouse that is fed till it has got so fat it can hardly run. Several ticket agents have fitted up cages in their stations, and canaries sing in them.

Thoroughly Enjoyed It.

[Exchange.]

"Yes," he said, "I attended a bull-fight in Mexico once, and I thoroughly enjoyed it."

"I cannot understand how one can enjoy a brutal affair of that kind," was the reply.

"Nothing brutal about the fight I refer to."

"Don't you consider it brutal for a lot of Mexicans to wantonly kill a bull?"

"Yes, but in this case the bull killed a lot of Mexicans."

Our Country a Blessing.

The earl of Roseberry says the British government's scheme of emigration to the colonies only hastens the day when they will be populous enough to run their own affairs independent of the mother country. He said that the United States is the greatest blessing ever bestowed upon mankind.

A THEOSOPHIC MARRIAGE.

[Henry J. W. Dam in The Century.]
She was a theosophic miss
Who sighed for sweet Nirvana;
She talked of ecstatic bliss
And that, in mystic manner.

She wore a wide and psychic smile,
Used dictation transcendental,
Two suitors her besieged meanwhile—
Both softly sentimental.

The one, he was a drummer bland,
Who wore a lofty collar;
He knew not things were hollow, and
He chased the nimble dollar.

The other was a soviet youth,
Who talked of things symbolic;
Enured to the inner truth—
And predisposed to colic.

The one, he talked of common love
In those terms that made her shudder;
The other, he talked of mystic love,
To misty realms of Buddha.

She sent the first upon his way
With snub unmitigated—
Upon the other smiled, and they
By hymens were translated.

FOUR YEARS LATER.

Within a lofty Harlem flat
She found her sweet Nirvana;
She does not think of this and that
As marshy zepphirs fan her;

She dreams of wiles Buddha's nose
And spunkish Zoroaster,
And mends their transcendental clothes,
Torn by occult disaster.

Her adept husband still can solve
The mysteries eternal,
But for some reason can't evolve
A salary diurnal.

He still floats on to cycles new,
But fills his astral body
With—what the theosophic brew—
But Jersey apple toddy.

She eloquently mourns her life
And outjuggles her Latin,
To do why see the drummer's wife
Drive by her, clad in satin.

She has been heard, in fact, to say
When somewhat discontented,
"Though 'theosophies' hold social sway,
'Tis 'theosophies' enjoy their day,
I think in love, the good old way,
By far the best invented."

Every Man His Own Doctor.

[Paris Figaro.]

"Well, doctor, I have called to see you about—and yet I hardly know why I should have called, inasmuch as I am perfectly well, and what is the matter with me?"

"Indeed?"

"Yes; I am afflicted with eczema sozodotes, familiarly known as a herpetic affection of—"

"The great unknown malady of our epoch?"

"Precisely. I have read everything that has been written on the subject—whole libraries!"

"Ah! Permit me to examine—"

"It is not necessary to do so, doctor; I am fully acquainted with my condition and symptoms. I have diagnosed the disease, and find it to be neither staphylococcus nor micrococcus, nor am I able to discover any indications of furunculosis and squamousness. The complaint is of the kind denominated herpetic eczema, on account of its hereditary tendency."

"Are you sure of that?"

"I am willing to stake my reputation on it, doctor. Besides, all the books I have consulted are in accord on the subject."

"Well, sir, then I suppose I must treat you for infuriated eczema."

"Treat me? That is very easily said, doctor, but what treatment are you going to adopt, eh? Alkaline solutions? They are exploded. Sulphur? It is completely out of date. Arsenic? It exercises an injurious effect on the coats of the stomach. Professor Winkelmann, in his monumental work, leans strongly towards Russian baths and powerful sudorifics, but I have always doubted whether his conclusions were based upon a sufficient study. Come, doctor, which course will you adopt?"

"We'll, which would you prefer?"

"I haven't been able to decide between flaxseed tea and tar-water, but suppose we try tar-water, doctor?"

"Very well; tar-water be it."

"I will follow your advice, doctor, and buy up all the latest books on the subject of tar-water, and read them up, and when—"

"Yes; then come to me and we will go over the subject again. (Writes prescription.) A teaspoonful morning and evening, you know. As for diet—"

"O, yes, doctor; I know all about that. No underdone meat, avoid fish, and above all, shellfish and so on. Good day, doctor!" (Deposits trumpeting fee on table and exits.)

George Sand's Neck and Hands.

[Paris Letter in London Truth.]

In the whole course of her life George Sand never wore a dozen pairs of gloves. Her hands, she felt, were made to be active, and not to be muffled up until they became useless. They were small, brown, plump, and firm, and ended in polished fingers and almond shaped nails. Her manual dexterity was remarkable. She had to the end of her life a sweet, full, and rapid finger as a pianist, and was fond of playing the piano in the evening. Her musical taste was German. She liked solemn better than light music. An exception was made in favor of Chopin, with whom, when he was in consumption, she spent a winter in Majorca, along with her two children.

George Sand's figure was never elegant, and she had the good sense to understand that tight lacing would never improve it. Perhaps it had been tight and graceful she might have sacrificed to fashion, and submitted to the tyranny of a corsetier. Her neck was short and powerful, and the shoulders were in proportion. This plastic defect, which is common to persons of genius, is not shown in the statue. Lest the proposition I have just enunciated be called in question I shall observe en passant that Shakespeare wore a flat collar when ruffs were a la mode, and that, because short-necked, Voltaire, Napoleon, Victor Hugo, and Balzac would have probably done so too had they been contemporaries. The statue, however, expresses the external tranquility of George Sand, who was not only exempt from vanity, but from ordinary ambition.

For thirty years her chief aim was to ascertain in what spirits masculine were superior to spirits feminine. To this end she surrounded herself with the former, and out of the 44,000 pounds sterling she earned with her pen she spent all but 800 pounds sterling. This sum was invested about ten years ago to enable her family to pay her doctor's bill and funeral expenses without trenching on the grandmother's Nohant estate.

Golden-Rod Tea.

[Boston Budget.]

The common sweet-scented, golden-rod (Solidago odora) is becoming an article of commerce as a tea. Its use is said to have begun in central Pennsylvania some fifty years ago by the Germans. The "Blue Mountain tea" sells in the Chicago market for \$1 a pound.

Misplaced Fervor.

Dr. Fulton related that once during his sermon he exclaimed: "Place me upon the polar iceberg, where no verdure greets the eye, and where naught but the white bear's growl can be heard," when a deep base voice replied: "Amen."

Uncle Esau: I believe in moral suasion—as a collateral.

AT THE ENGINE-HOUSE.

John Brown's Capture—Major Russell's Gallantry.

"Gath's" Interview with Mr. Donovan.
"I saw John Brown taken out of the engine-house. You must remember that during the night, or rather before the dawn, Col. Lee had the gates of the armory opened, and he took the marines in and had sentries planted in the morning, before it was bright day, the marines made the attack. Failing to beat the doors in with sledgehammers, Col. Lee at the gate, who was standing behind one of the gate-posts, made a signal with his finger. Immediately two lines of marines ran to the flag-staff in the middle of the yard, where there was a ladder of about forty feet. They seized this and ran against the door, and at the second blow it gave way. Then Brown's men fired and wounded one marine in the face and shot another so that he died. The first persons to appear were the hostages Lewis Washington came out bowing in the most stately manner left and right, as if he were the hero of the occasion. He was a rather fine looking, portly old fellow. Most of the men with him looked tired and worried."

"The railroad running outside of the grounds had been crowded with people, and when they saw that Brown was captured they dropped off that trestlework and poured into the yard. I got up very close, and my attention was attracted in the first place to old Brown. We had not been sure who he was, but Major Russell, one of the storming party, said to me: 'I know that man; he is Ossawatimie Brown, from Kansas, and this is an abolition raid.'"

"Russell," continued Mr. Donovan, "was a gallant fellow, and I never knew a want-be-coming of him. The other officers there, after the engine-house was entered, struck at Brown with their swords and behaved badly. John Brown, after he was taken to the sup-rated office and put on one side while the dying marines with the priests attending him was on the other side, he heard a shout raised of 'Hooray!' He looked up at Russell and said: 'If I have covered with my life, sir, and could have killed you, but I spared your life, and I expect you as a United States officer to protect me.' With all the dignity of a gentleman Russell put his hand to his hat, saluted Brown, and said: 'I am obliged to you, sir, for saving my life. As long as I have a life you shall be protected with it.'"

"That," said Mr. Donovan, "is one of the little incidents in that long and almost absurd tragedy which I can remember with satisfaction. They were two gentlemen and brave men."

A Prose Poem.

[Merchant Traveler.]

So softly the moon shed its silvery light upon the evening air.

The difference between the moon and a goose is, that the goose she's feathers. This is less romantic, probably, but good goose feathers are worth 70 cents a pound more or less.

They stood beneath the silent stars, Arthur and Evangeline; not the goose and the moon. She in the glory of young womanhood, and he in a \$50 suit of clothes.

It is astonishing what trust tailors put in marriage.

"Oh, Arthur," she said, "let us flee from this place; from the wrath of an angry father and the torturing taunts of a mercenary mother."

At this season she should have said, "let us musquitto from this place, etc." but a young woman in love can't tell a flea from a musquitto, and we must not censure too severely.

"But it is possible, Arthur. We can fly beyond the sea, the deep blue sea, which lies between us and happiness, and beneath the sunny skies of Italy in the dolce far niente of that lotus land we may find about us a beautiful palace whose foundation shall be love, and whose superstructure shall be the perfection of earthly bliss."

The girl had spent all her chewing-gum money on 10-cent novels, and all her time in playing Pauline in an amateur dramatic club.

"Ah, darling, the picture you paint is too lovely for realization," he waived.

Of course he knew she painted. Any fellow can tell that when he gets close to a girl.

"Why, love? Oh, Arthur, why?"

"Because, dearest," he agonized clear down to the knees of his pants, "I haven't money enough to buy tickets across the briny, and the walking on that road calls for gum shoes, which I am unable to put up collateral for during the present depressed condition of trade."

"He traded," she shrieked, and they parted forever.

The First Magnetic Engine.

[Boston Globe.]

"Do you know that I built the first magnetic engine and I run of cars ever successfully run in this country?" said one of the exhibitors at the Mechanics' fair one day last week. This was a startier, and further information was requested.

"Oh, I made merely a working model, but I illustrated my principle and that was all I wanted. The mystery about my motor power was what caught the public, and no one knows to-day how it was run. I'll tell you, then. First I constructed an engine complete. I made it out of stiff brown paper with a steel running gear. Then I made a train, baggage, Pullman and common passenger cars, elegantly painted. Why, they made a pretty show just standing still. Next I fixed up a circular track on a large clock-covered table, and when I put that train on that table it would start and spin around as if the device was after it. Nobody knew what made it go, and some people were actually afraid of it."

"Your motors must have been very delicate to be concealed so nicely."

The inventor laughed

The Bismarck Tribune.

A Call For Help.

The people of Spink county are in trouble over the question as to where the county records shall be kept, and yesterday Governor Pierce received a telegram from the mayor of Redfield, asking for protection against the mob. An introductory and explanatory the following telegram, which was sent out Monday explains the situation:

RE FIELD, Dak., special telegram, Dec. 8.—This county and city have been wild with excitement today, occasioned by renewed efforts on the part of Ashton and Frankfort to recover the county records, which were removed Friday night from Old Ashton to this place. Last night about 7 o'clock reports reached here that armed men were en route, with the avowed object of getting possession of the records. The fire alarm was quickly sounded and in less than ten minutes the Redfield military company, which is thoroughly equipped and organized, was in arms and prepared to resist at all hazards any such attempt. The other citizens were out, too, with their revolvers, Winchester rifles, and every other available weapon of destruction to satisfy Ashton's thirst for gore; but the report proved to be premature. Today, however, the mob came, consisting of fully 500 men, armed to the teeth, headed by the county sheriff with a search warrant. They demanded the records, and being refused, threatened to fire the whole town and take them by physical force. Before they could execute the threat a special train arrived from Watertown with an injunction from Judge Smith, who is holding court at Milbank, enjoining the county board to let the records remain at Redfield, the recognized county seat, until some could be shown why they should not. This special was chartered yesterday at noon for the purpose. The records were then put into the sheriff's keeping. This proceeding only served to increase the anger of those who came expecting to recover the records and for a time a bloody conflict seemed inevitable. The Redfield people, 600 strong, including the militia, were thoroughly prepared for an attack. Finally cooler judgment prevailed and the armed mob, which had halted about a hundred rods from the city, dispersed slowly and sadly after having passed denunciations and resolutions and threatening to return in stronger numbers next Monday, if the records are not returned before that time. One or two hundred Redfield men who ventured out to interview the visiting gentlemen were severely handled and were not allowed to return until the crowd began to disperse. Guards have been stationed about the city and preparations made to protect the records from any and all invasions. The military company has telegraphed for additional ammunition.

The above telegram was sent out Monday, and it seems that matters have grown more serious since as the following telegram was received by Governor Pierce yesterday:

REDFIELD, Dak., Dec. 10, 1884. Gov. Pierce, Bismarck, Dak.:—The county records of Spink county are in the hands of the sheriff in this city. The county officers and all other persons have been enjoined by the judge of the district court from removing the same. The town has been besieged by an armed mob of 500 men and is in great danger of being burned and all the public records destroyed. We ask that assistance be given. Answer at once. D. W. HUNT, Mayor.

Governor Pierce immediately sent the following answer:

D. W. Hunt, Mayor, Redfield: Have asked General Terry if he can send a company of troops to act under the orders of the sheriff and court and protect the public property. The utmost prudence must be observed. Avoid any collision. GILBERT A. PIERCE.

The point of deepest interest to the people of Bismarck is that the governor has notified Captain Bennett to hold the Gove Guard in readiness to move at any time it may be deemed necessary.

Last evening a dispatch was also received by the governor from Colonel Tyler, of Fargo, saying that the Fargo company forty-one strong, was ready to move at a moment's notice and by special train over Fargo & Southern. It is likely if one company of militia is called, at least three others will be notified. There are two companies in Bismarck, one at Fargo, one at Yankton and the TRIBUNE believes, one at Sioux Falls.

Capital City Chills.

The Merchants hotel will be reopened about the 22d inst.

The Christmas carnival is looked forward to with much interest.

The Wells, Fargo & Co., express business makes a good showing from the start.

As the holidays approach the express business on the Northern Pacific increases rapidly.

Look at the list of prizes offered at the Christmas carnival in Days and J. W. Clark's store windows.

Mr. and Mrs. C. B. Little will be at home in their new residence on avenue A, December 15. No cards issued.

A grand palace car excursion to New Orleans leaves Minneapolis at 3:30 p. m., Tuesday D. C. 24, over Minneapolis & St. L. via road.

Quietly but speedily the brewery work progresses at the various apparatuses are being put in their respective places.

Messrs. Bert Bragg, Oscar Ward and Charles Root returned yesterday from a hunt in the Buford and Berthold region, having captured forty two deer.

Fargo Argus: Judge Francis' charge to the jury in the Magill case created an unusual excitement as a terse legal and learned exposition of the facts upon which the peers of the prisoner were to find.

Bad Lands Cow Boy: Lloyd Roberts sold his tame buffalo to Bob Roberts, who shipped it to Bismarck Monday. It will there be killed, stuffed and sent to New Orleans. Bob sent the pet bear in the same car to Bismarck as a present to George Reed.

Fargo Argus: Hon. George P. Flannery is said to have added new laurels to his legislative laurels by the making of a fine speech in the Senate last night. He was just and Mr. Flannery permitted no interest in the people to suffer at his hands in the conduct of the case.

The King of the Moors.

The Auckland, New Zealand, Daily Herald, in referring to the departure of His Majesty, Tawhiao, for England, to visit the Queen to be crowned King of the Moors, expresses pleasure cordially at the care of His Majesty of rheumatism by St. Jacobs Oil, and says that during his stay at Mercer he was introduced to the Great German Remedy.

It Is a Girl.

Mr. and Mrs. J. H. Reynolds were made happy Thursday morning by the call of a lively young lady weighing about eight pounds and who gave prompt notice of what she wanted at Christmas. All well and happy.

An Unsound Mind.

A report was circulated in the city Saturday evening that a shooting affray had taken place at the Point, opposite Fort Lincoln, on the afternoon of that day. This, together with the fact that an old man who lives there had testified his family to such an extent that the girls came to Bismarck to ask for protection, led to the belief that the report might be well founded. Mr. Tom Clarke was sent to the

Point and found that Joseph Tapper, a man about 50 years of age, was in a state of mental excitement. Tapper is the father of a large family, to whom he had become a perfect terror. The afflicted man is troubled with occasional fits of insanity, or what some of his friends believe to be delirium tremens, during which he threatens the safety of his family. He was brought to the city and lodged in the county jail, to await an examination as to his sanity.

At Home.

Mr. and Mrs. C. B. Little arrived in the city Tuesday. Mr. Little left for Boston several weeks ago and on the 22d of November the marriage nuptials between him and Miss Carrie G. Little, were celebrated in that city. Having had a very pleasant Thanksgiving with relatives and friends in Boston and enjoyed a brilliant wedding, the bride and groom indulged in a bridal tour, going to New York city and visiting various prominent metropolitan resorts to Bismarck. Before his wedding Mr. Little had prepared a very comfortable home on Avenue "A" for the reception of his bride and a very neat card says the happy couple will be "at home" December 15th. Mr. Little is to be and has been—very heartily congratulated, while the bride is a welcome and valuable addition to capital city society. May their path be strewn with roses.

In Court.

The intense interest in court proceedings has at last abated. Tuesday the benches were empty and but very few visitors occupied seats. It was expected by some that some action would be taken in the Magill case with reference to admitting the defendant to bail or setting a time for a new trial. But as District Attorney Flannery was unable on account of sickness to be present nothing was done in the matter. The grand jury was called and again "got down to business," so to speak. The jury came into court and returned an indictment against Johnson C. Ansley (who shot Geo. Gibbs) for murder. Johnson C. Ansley was called for arraignment, but, strange (?) to say, failed to appear. His bail was forfeited and a bench warrant issued for his arrest. The chase after Mr. Ansley will be watched with interest.

An indictment was also returned against Erick Von Rosendale, charging him with assault with a deadly weapon on the person of L. N. Griffin. It will be remembered that Mr. Rosendale was the agent of the McCormick machinery company who endeavored to remove a team of horses from Deputy Sheriff Griffin's charge. It will also be remembered that a conflict ensued, and that Mr. Griffin came out first man until Rosendale "pulled" a revolver, which is cause for the complaint.

Rea at Sims.

Sims, D. T., December 8, 1884. EDITOR TRIBUNE:—On the evening of the 6th inst. Hon. J. A. Rea, of Bismarck, addressed an enthusiastic meeting of farmers and business men, at the rooms of the Library association of Sims, discussing in a forcible manner the injustice done the settler on public lands within the corporate limit of the railroad land grants in compelling him to pay the double minimum price of \$2.50 per acre for his land and that this fact alone was one of the most serious drawbacks to the rapid settlement and development of the public domain along the line of railroads to whom land grants have been made. A good active working organization was effected to further prosecute the work and co operate with similar organizations to procure if possible, legislation, restoring the original price of public lands to \$1.25 per acre; Jo.

A Good Time.

On Wednesday night a dance was given at the residence of Mr. Brown on Burnt Creek, north of the city. The dance and rural banquet was largely attended by the lads and lassies of the vicinity and a jovial, jolly time is reported. Music was furnished by the Burnt Creek string band, a new musical organization, which promises to win quite a reputation. Refreshments were served, and all went home happy.

Dr. Price's Cream Baking Powder and Flavoring Extracts are the only kinds made by a practical chemist and physician, with special regard to their healthfulness, and they are rapidly superseding all inferior and deleterious compounds for similar purposes. Buy Dr. Price's Baking Powder only in cans with unbroken labels.

The Merrill.

The Merrill house of Glendive is one of the few hotels west of the Missouri that comes in for a share of the compliments of the traveling public. This popular hotel is under the proprietorship and management of Messrs. Klaus & Waters, and they are rewarded for their efforts to please, by a liberal patronage. The latest compliment was paid them by Otto Fischer of this city, who is a perfectly reliable judge at the table.

Farmer Fields Interviewed.

The North Dakota Democrat, published at Valley City, publishes with the views of numerous prominent citizens, the following interview with J. A. Fields:

J. A. Fields, farmer at Bismarck and deputy commissioner to the New Orleans exposition, just returning from the latter place, said, when asked as to Dakota's exhibit: "We are making strenuous efforts to equip every other western competitor. To do this we will have to work hard. But I believe Commissioner McKenzie, backed by the people of Dakota, will prove equal to the occasion." On being informed of the present exhibition of the wheat question and the proposed remedy by appeal to the legislature for a law compelling railroad companies to furnish farmers and others with cars for shipment in bulk and otherwise, placing them on an equal footing with elevator companies, he was asked whether he had any objection to the publication of his views on the subject, he replied: "None at all; I am a farmer, and have always had the privilege of shipping my grain in bulk granted me by the Northern Pacific railroad. I had charge of the Northern Pacific exhibit at the Cincinnati exposition in 1883." [Here he took from his pocket a case and exhibited the reporter a beautiful gold medal, awarded for that exhibit.] I think the enforcement of such a law the only solution of the present difficulties between the people and the elevator companies. I do not believe the railroads will fight the measure; whatever benefits the people will help the railroads.

Was He Drowned?

The report comes to the TRIBUNE that while attempting to cross the Missouri on the ice at a point north, where the stream is bridged by the first, John Latony, a laborer, who has acquaintances in Bismarck, and who for several months has been in Montana, was drowned. He was watched from the shore by several cowboys and settlers, and when about in the middle of the stream he stepped upon ice at the

edge of an air hole and disappeared. It was about dusk, and while those on shore were watching his floundering, darkness approached and hid him from view. In a few minutes they secured a lantern and started to look for him, but he could not be seen or heard. Thinking that perhaps he had scrambled out in the darkness and continued on his journey, they called for him, but received no reply. He was gone, and in all probability occupies an unfavorable resting place at the bottom of the treacherous stream.

City Council.

The city council met Wednesday. Present—His honor, the mayor, Aldermen Griffin, Donnelly, Peterson, Malloy and Leo. Messrs. W. D. Smith, George F. Dibert and Webb B. Co., presented a petition asking for a five years' exemption from taxation on a furniture manufactory which they propose to establish provided satisfactory arrangements can be made. These gentlemen promise to establish a first class factory and agree to have it in operation on or before January 1, 1885. The petition was referred to a special committee of three, consisting of Malloy, Leo and Donnelly.

S. D. Sturgis asked a rebate of taxes on certain lots, which he claimed had been illegally assessed. His petition was laid on the table.

Thomas Fortune asked that his salary as chief of police and street commissioner be increased to \$125, which request was granted. An ordinance, presented by the merchants of the city, asking for a protection license against foreign peddlers, auctioneers and vendors, was referred to the committee on ordinances.

At a recent meeting a committee was appointed to rent or purchase a safe for the city treasurer's office. At the last meeting the committee reported that they had purchased a safe of C. N. Hunt at a cost of \$225. A motion was made to accept the report, and the same was accepted and the bill allowed by a vote of the council, but the motion was vetoed by the mayor. Last evening the council accepted the report "over the mayor's head." In justice to Mayor Dunn, it should be stated that he vetoed the measure on the ground that the safe was too small and inadequate to the demands of the office.

An ordinance providing for the building of a sidewalk on Sixth street from Main to the Capitol Boulevard was given its third reading and passed.

An ordinance for the government of the fire department and protection of its property was passed.

BILLS ALLOWED.

Joseph Hare, city justice for July	22 45
" " " " " " " "	6 80
" " " " " " " "	13 60
Thos. Dellahan, work on streets	6 10
Jas. Mahan, work on streets	15 00
Chas. Kuppit, oil	6 00
Andrew Peterson, work on streets	24 06
A. Cheatum, work on streets	15 00
" " " " " " " "	15 00
O. R. Barnes & Co., mde.	5 45
C. L. Kinney, assisting city engineer	20 00
Chas. Campbell, work on streets	15 00
Bragg, Smith & Co., oil	15 58
Harry Brinkhurst, city engineer	50 00
Bismarck Coal Co., fuel	35 45
W. S. Moorhouse, mde.	32 26
T. J. Heinze, repairing engine	191 70
McGarvey & Hurley, grading streets	71 45
Geo. F. Dibert & Co., lumber	7 64
C. L. Baker, water	1 00
Thos. Fortune, chief police, salary	125 00
John O'Donnell, policeman	75 00
Frank Scott, policeman	75 00
C. B. Nichols	40 00
D. Stewart	35 00
Edw. Sloan, watchman	75 00
Wm. Gleason, fire warden, etc.	65 75
Frank L. Wall, city clerk	68 00
Van Houten Bros & Little, mde.	65 00
Chas. Kapit, oil	12 24
Harper & Noonan, team at fire	5 00
C. Campbell, work on streets	24 00
C. B. Watson, mde.	33 74
C. L. Baker, water	1 00
L. L. Durant, mde.	7 45
Malloy & Stoyell, fire service	10 00
Bismarck Tribune, printing	150 10
John Dickson, " " " " " "	4 00
Patrick McGee, watching water tank	25 00
Joe Hare	15 00
Thos. Dellahan, work on street	12 00
D. Lyton, work on streets	12 00
Adjourned.	

After Deer.

Truly the Missouri slope is the land of the hunter and sport. Hardly a day passes without bringing some party of hunters to the east and south. On Wednesday's train were three young gentlemen from Chicago. Messrs. C. W. Burton, R. L. Finch and J. H. Brink, who were equipped for a deer hunt. The first named gentleman is the son of Elijah Burton, who is interested in the immense waterfalls or rapids on the upper Missouri, which have been advertised so much from the fact that they were purchased as water power by the Jim Hill syndicate. In the intention of the party, weather permitting, to go to the rapids before returning. They have an abundance of means, are prepared for cold weather and will take a complete winter camping outfit with them, including stove, fur robes, etc. They will purchase a team of ponies and start out for a winter hunt in the upper regions. An interesting feature of the trip is that Mr. Finch is an artist of some note and will sketch the country, camp life, etc., for Harpers Weekly, the illustrations to be accompanied by descriptive articles from the pen of Mr. Brink. The sportsmen will have a good time.

A Reputation.

An item was foisted into these columns Wednesday morning to the effect that the first blizzard of the season raged in the Missouri slope Tuesday night, and the person held responsible for the villainy of these columns desires to make a clean and absolute repudiation of the statement. He is charitable enough to believe that it was meant for a joke, perpetrated by the emperor of the editorial columns, in the silent hours of the early morn. after the city editor had sought refuge and rest in slumber. The weather has been so beautiful and bright that it seems almost a sin to speak of a mild zephyrus as a blizzard and the writer of the libelous item may be surprised to read the following exact picture of the phenomenon which he mistook for a "blizzard."

A MIDNIGHT SUN.

Perhaps as strange an aerial phenomenon as has ever been experienced or observed in the northwest was that in the Missouri slope Tuesday night. At about midnight the entire heavens were brilliantly illumined, with a bright warm light. It was a partial repudiation of the aurora borealis display of about a year ago, but much more wonderful and unaccountable. The experience to the pedestrian was similar to that of the sudden lighting of a lamp in a darkened room. It reminded one

of standing beneath an electric light tower in the evening, just as the lights first throw out their brilliant rays and glowing about the first impulse was to look at his watch to see if day had really dawned. But not 'twas midnight, and the heavens were ablaze with light and beauty and warmth. One solitary sword like ray, reached out from aurora's northern light-house and as if touching some magnet set firmly in the zenith or connecting with another electric current in the very center of the starry dome, a perfect ocean of flickering light was produced, with a small circle of dazzling brilliancy in the center. Talk about the land of the midnight sun, but here was a midnight illumination which almost outvalued the light of day. The phenomenon lasted about twenty minutes, during which time a newspaper could be read with perfect ease out of doors or at a window, in an unlighted room. Gradually the large arm of radiance receded to the northward, flashes of purple, crimson and pale green lights in the zenith followed, a few "shooting stars" darted toward the horizon. The great atmospheric commotion caused by the electric frisks sent triangular and contradictory currents of hot air toward the earth's surface, and without stopping to study into the scientific details of the phenomenon, one not experienced in aerial demonstrations might call it a blizzard. 'Twas simply a beautiful freak.

Jury Talk.

Discussion of the Magill case was almost as intense and interesting Tuesday as at any time during the trial. A TRIBUNE representative saw a number of the jurymen who had been to their respective homes and secured a good thorough wash, as well as a night's rest and sleep. They informed the scribe that the jury was unanimous in the opinion that the defendant should not be found guilty of the crime charged in the indictment, and the six men who were in favor of a verdict of guilty of manslaughter, desired that their fellow jurors should explain their position to the public, in justice to the defendant and all concerned. There have been many inquiries as to who of the jurors were for conviction, and those for acquittal, and as an item of much interest the list is given below:

FOR ACQUITTAL.

W. S. Moorhouse.
Frank Frisby.
Andrew Thompson.
Louis Larson.
L. R. Hatch.
C. H. Edick.

FOR CONVICTION.

Robert Macomber.
E. A. Lilly.
Alex. Cameron.
Chas. Chamberlain.
Frank Donnelly.
H. P. Bogue.

IN THE JURY ROOM.

There was much anxiety manifested by the public as to the probable result of the jury's deliberations, and their action was closely watched. It was extremely amusing as well as interesting to watch the door of the jury room as it was occasionally opened, and a weary, dust besmeared weaver of justice would stick out his head to ask for a pail of water or give some instruction to the bailiff who waited upon the outside. When the jury first went in, quiet, argumentative deliberations occupied the time, but when they discovered that they were so irreconcilably divided in opinion and that it was utterly impossible for them to agree, they were like a pack of uncanny panthers, and a continual tramp, tramp could be heard on the uncarpeted floor. A bevy of school boys on the rampage could not have been more pranky. A favorite amusement among them was to baptize all who passed by the door of the room in the hall. There was a crack or hole in the door; the dignified jurymen would fill his mouth with pure Missouri river water, and the dexterity and expertise with which they would send the sparkling spray out upon the unsuspecting walker in the hall was flattering to their genius. Thus they spent the time during the last day and prayed that they might be allowed to agree to disagree, which the same they did with the above result.

The Maudslayi Concert.

A concert by the musical talent of Bismarck will be given in Emerson institute Maudslayi next Wednesday evening, the 17th inst., for the benefit of the Methodist church of that place. The society extends a special invitation to Bismarck people, who will have an opportunity to attend the concert and return the same evening, going over on the 7 o'clock train and returning in a special car. Those who take part in the concert are Mrs. O. W. Bennett, Mrs. W. H. Francis, Mrs. O. H. Holt; Misses Alice Wirt, Gertrude Cushman and Daisy Stewart. Messrs. F. W. Smith, C. Wirth, D. S. Hodge and R. L. Durant. The cause and the concert are both worthy of liberal patronage. The musical talent is as good as can be secured anywhere in the northwest, and it is hoped the church will realize largely from the event.

Appointments.

On Tuesday Governor Pierce appointed Rev. Daniel Ames, member of the board of education of the Springfield normal school. Dr. Van Etter of Yankton was appointed surgeon general on the governor's staff. [This is a timely appointment as the doctor will get his commission in just about time enough to be summoned to Redfield to take care of the dead and wounded of the Bismarck guards and other territorial militia who may be called out to suppress the riot.]

On the Medora Line.

The Northern Pacific on Monday issued a circular giving a list of the stations on the Medora stage line and the fare from Medora to each station. The baggage allowance is fifty pounds to each passenger. The excess baggage rate between Medora and Deadwood is \$7 per 100 pounds. Stages leave both ends of the line at 6 p. m. Monday, Wednesday and Friday, and arrive at Medora and Deadwood at 9 p. m. Tuesday, Thursday and Saturday.

Ingersoll Interrupted.

A special telegram from Lafayette, Ind., conveyed the intelligence that Col. Bob Ingersoll was interrupted while delivering his lecture on Orthodoxy, which a large number of Bismarckers heard him deliver in the Athenaeum several months since. The telegram referred to is dated December 6, and says: Colonel Robert G. Ingersoll lectured last night at the opera house to a fair audience, a stormy evening preventing a larger attendance. The subject was "Orthodoxy," which he discussed in a masterly manner from his own standpoint. His oratory is beyond criticism,

his diction smooth and elegant, and his power of description original and entertaining, but his logical deductions sadly at fault. While indulging in ridicule of orthodox religion and making a fierce assault upon Christianity, the Hon. John A. Stein, one of our prominent citizens, arose, and addressing the speaker, said: "Colonel Ingersoll, I must protest against such blasphemy; I will leave." Mr. Ingersoll quickly retorted: "Well, why don't you go?" Mr. Stein quickly bowed himself out, accompanied by some other gentlemen. The warmest personal friendship has always existed between the two gentlemen, and Mr. Stein very much regrets the necessity that compelled him thus publicly to denounce the onslaught upon the truths of revealed religion as contained in the word of God.

Surrounded as we are by adulterators of food and living in the midst of their vile products, it ought to produce a real refreshing sensation to be told where a real genuine article can be obtained. Such a species of gratification may be had by purchasing Dr. Price's Cream Baking Powder. The biscuits made with it are really elegant.

An Enterprising, Reliable House.

Frank Frisby can always be relied upon, not only to carry in stock the best of everything, but to secure the agency for such articles as are well known merit, and are popular with the people, thereby sustaining the reputation of being always enterprising and ever reliable. Having secured the agency for the celebrated Dr. King's New Discovery for Consumption, will sell it on a positive guarantee. It will surely cure any and every affection of throat, lungs and chest, and to show our confidence, we invite you to call and get a trial bottle free.

An Answer Wanted.

Can any one bring us a case of kidney or liver complaint that Electric Bitters will not speedily cure? We say they cannot, as thousands of cases ready for permanent cure, and who are daily recommending Electric Bitters, will prove. Bright's disease, diabetes, weak back or any urinary complaint quickly cured. They purify the blood, regulate the bowels, and act directly on the diseased parts. Every bottle guaranteed. For sale at 60c a bottle by Frank Frisby.

Bucklen's Arnica Salve.

The best salve in the world for cuts, bruises, sore throats, salt rheum, fever sores, fetid, chapped hands, chilblains, corns, and all skin eruptions, and positively cures piles or no pay returned. It is guaranteed to give perfect satisfaction, or money refunded. Price 25 cents per box. For sale by Frank Frisby.

Excitement.

"What causes the great rush at Frisby's drug store?" The free distribution of sample bottles of Dr. Bosanko's cough and lung syrup, the most popular remedy for coughs, colds, consumption and bronchitis now on the market. Regular size 50 cents and \$1.

Convincing.

The proof of the pudding is not in chewing the string, but in having an opportunity to try the article direct. Frisby, the druggist, has a free trial bottle of Dr. Bosanko's cough and lung syrup for each and every one afflicted with coughs, colds, asthma, consumption or any lung affection.

A CARD.—To all who are suffering from errors and indiscretions of youth, nervous weakness, early decay, loss of manhood, etc., I will send a recipe that will cure you free of charge. This great remedy was discovered by a missionary in South America. Send self addressed envelope to Rev. JOSEPH T. LEMAN, Station D, New York.

ROYAL BAKING POWDER
Absolutely Pure.

This powder never varies. A marvel of purity, strength and wholesomeness. More economical than the ordinary kinds, and cannot be sold in competition with the multitude of low test, short weight, alum or phosphate powders. Sold only in cans. ROYAL BAKING POWDER CO., 106 Wall Street, New York.

ACME FUEL
Warranted to start any coal or wood fire. Saves money, time and trouble. Should be in every house. Non-explosive, perfectly safe, and of this compressed kind lasts a long time and kindling and burning purposes is the cheapest for Dakota. Notice this trade mark to get the genuine. Sold by Grocers. Manufactured by ACME KINDLER COMPANY, Minneapolis.

JOHNSON & PERKINS, ATTORNEYS.
Room 15, First National Bank Block.

Dr. J. C. CLARKE
The regular old established Physician, Surgeon, and Dispensary. CLARKE, at the old number continues to treat with his usual great skill all private, chronic, nervous and skin diseases. DR. CLARKE is the oldest Advertising Physician, and his file of Papers, and all old Residents know. Age and experience important.

Nervous diseases (with or without decay of debility and loss of nerve power) treated scientifically by new methods with never failing success. It makes no difference what you have taken or who has failed to cure you. Young men and middle-aged men and women who suffer should consult the celebrated Dr. Clarke at once. The terrible poisons of all bad blood and skin diseases of every kind, name and nature completely eradicated. Rheumatism, that one horrible disease, if neglected or improperly treated, causes the present and coming generations. Disinherited diseases cured promptly without hindrance to business. Both sexes consult confidentially. If in trouble, call early. Delays are dangerous. "Procrastination is the thief of time." A written warranty of cure given in every case undertaken.

Send two stamps for celebrated works on Rheumatism, Nervous and Debility. You have an exhaustive symptomatology. Consultation, which to study your own cases. Consultation, personally by letter, or by mail, may save future suffering. Thousands cured. Office and parlors private. You see no one but the Doctor. Before consulting your case consult Dr. CLARKE. A friendly letter or call may save future suffering and shame, and add golden years to life. Medicines sent wherever secure from exposure. Hours, 9 to 5 Sunday. Address, 725 S. Clark St., Chicago, Ill.

Cuticura

Mrs. Smith's Case, and What the Rev. Mr. McKinstry Has to Say About It.

TO THE PUBLIC: I have been a fearful sufferer for fifteen years, most of the time with what has been called Eczema, or Salt Rheum, Psoriasis and Lepra, and the like, and I have always been told that there was no cure for me, and have been so discouraged that I had as soon die as live. I have been so badly afflicted sometimes that there was not the smallest spot from the crown of my head to the soles of my feet that was not diseased and as red as crimson. It would commence in small white spots, which had a silvery appearance, but were not deep, but if I attempted to heal them, or soon after their first appearance, they would burn and run together until I there was a complete dry, red scale, which would become so inflamed as to crack and look fiery and angry, and the burning sensation would be almost intolerable.

I was at times so lame that I could scarcely get about, and I could not dress myself without assistance. I have tried many remedies, and have paid \$100 in a single instance to a physician, but have ever obtained only temporary relief. Although I have been a complete invalid for fifteen years, I was badly troubled as ever, and during the winter of 1881 and 1882 I suffered so much as to be entirely discouraged. Last June, however, I was advised by Elder and Mrs. L. C. McKinstry, who are well known in these regions, to try your CUTICURA Remedies; and I felt advised by a little courage from their favorable opinion of them, to try their virtue. About the second week in July last I commenced taking the remedies, and within six weeks my skin began to improve, and now October 1, I am as good as new, and my flesh is as the flesh of a child.

I certify that the above statement of my wife is correct, and I join with her in expressing my gratitude for the great benefit she has received.